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# COMPENDIUM ON TEMPERANCE AND PROHIBITION IN MADRAS

BY

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## PREFATORY NOTE.

This "Compendium on Prohibition and Temperance" is one of the three Compendiums prepared by the late Dr. B. S Baliga, Curator, Madras Record Office. The other two Compendiums will be issued in due course.

The object of preparing the Compendiums is to present in a concise and readily accessible form all the information available in the archives on various subjects of importance which come up for consideration before the Government again and again. These Compendiums will enable the administrators to find out what has been suggested by previous administrators in regard to the various aspects of these subjects.

EGMORE,
*8th March* 1960.

M. NATESAN,
*Assistant Curator in-Charge,*
*Madras Record Office.*

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# COMPENDIUM ON TEMPERANCE AND PROHIBITION IN MADRAS.

Of all the reforms introduced in our State, none has more vitally affected the moral, the social as well as the economic welfare of the people than temperance and prohibition. It is proposed to trace here the history of both in the light of the information available in our records. This history will show that temperance held the field for nearly half a century before it gave way to prohibition and that the path of prohibition has not always been strewn with roses. In fact, prohibition, like all great measures of reform, is not an unmixed blessing. It has its sweets as well as its bitters, its healthy as well as its unhealthy aspects. Our aim here is to reveal them both and to point out what remedies have been prescribed for its maladies.

## PART I—TEMPERANCE.

**The House of Commons recommends temperance measures in 1886.**

Towards the end of the last and the beginning of this century, there began a temperance movement in India which, steadily gaining momentum under the Non-Co-operation and Civil Disobedience agitations, resulted in the introduction of a number of temperance measures in our State. This movement may be said to have been ushered in 1886 when, under the impulsion of some ardent temperance leaders like Mr. Hall Caine, the House of Commons passed a resolution condemning in no uncertain terms the excise administration of India. This resolution charged the Government of India with having established, in defiance of Indian public opinion, a large number of liquor and opium shops and thereby provided increased facilities for drinking—an evil which had steadily led to increased consumption and spread misery and ruin among the industrial classes. It also called upon that Government to take immediate steps to reduce drunkenness in India[1]. Then began a long correspondence between the Secretary of State on the one hand and the Government of India and the Provincial Governments on the other, which eventually led to the formulation of certain general principles in excise policy.

[1] Collection of Papers relating to the Excise Administration of India, 1890, page 9.

The Government of India consider prohibition and local option unsuitable and formulate certain general principles to reduce drunkenness.

All the authorities avowed that they were not opposed to any temperance reforms of a practical nature; what they were opposed to, they said, were the introduction of radical measures like total prohibition or prohibition by local option. The Government of India remarked that total prohibition, which some of the temperance reformers had urged, was out of the question, firstly because it was impossible to enforce it in a country like India, where the facilities for manufacturing and obtaining liquor were so great and the desire among many classes for stimulants was so strong, and secondly because it was bound to create in no time a contempt for law and a spirit of lawlessness among large classes of the population. Nor could local option, which some other reformers had suggested, they said, be considered practicable[1]. Local option would throw the whole administration into confusion and create an intolerable class tyranny which might lead to serious political repercussions. Local option also pre-supposed the existence of a highly developed system of local or municipal institutions to which representatives were elected by the mass of the people and in which all conflicting interests commanded their share of attention, and no such system existed in India[2]. The only possible course to adopt, therefore, to reduce drunkenness, they went on to observe, was to follow certain general principles in excise administration. And these principles, they said, were (1) that the taxation on spirituous liquors and intoxicating drugs should be high, and in some cases as high as it was possible to enforce; (2) that traffic in liquor and drugs should be conducted under suitable regulations; (3) that the number of places at which drugs or liquor could be purchased should be strictly limited with regard to the circumstances of each locality; and (4) that, in fixing the number of shops, efforts should be made to ascertain the public opinion of the locality and a reasonable deference should be paid to such opinion. In pursuance of these principles, the Government of India decided to abolish the farming and out-still systems wherever possible, to introduce the central distillery system throughout India, to impose a high rate of duty on country liquor, not however exceeding the tax on imported liquor and to reduce the number of liquor shops[3].

Past systems of excise management in Madras.

Even before this policy was propounded by the Government of India, the Government of Madras had introduced some important changes in excise administration. In 1886, on the recommendation of an Excise Committee appointed in 1884, they had passed Act I of 1886 to place the excise administration on a stable footing and reformed the excise system in various ways. Until that time several excise systems had

[1] Collection of Papers relating to the Excise Administration of India, 1890, pages 48–49.
[2] *Idem*, page 49.
[3] *Idem*, pages 51–53.

been tried in this State. In the opening years of the nineteenth century a simple farming system had been tried, under which the monopoly of manufacture and sale of liquor in certain areas had been granted in return for the payment of a lump sum, the monopolist being allowed to manufacture where he pleased, to open as many shops as he liked and to sell at whatever price he chose. In 1808 this farming system had been somewhat regulated by laying down that the places at which distillation and sale might take place should be determined by the Collector of the district. About the same time the out-still system, under which the tax on the sale of country spirits was to be levied as daily duty upon stills and each still was to be sold separately with one or more shops attached and the right to manufacture at the still and to sell the spirit was to be sold by auction to the highest bidder, had been introduced in a few places. In 1815 the out-still system had been abandoned in favour of the farming system, except in Madras City, where a special system of direct management had been maintained. In 1820 power had been taken to determine the sites of shops and stills and to control toddy sales. In 1864 some further changes had been made. Power had been taken to levy the tax on liquor as an excise duty on the quantity manufactured instead of by an annual payment for the farm, and also to suppress the home manufacture of toddy when this privilege, hitherto open to all, had been abused or used as a cloak for illicit sales. From 1874 what was called an "improved excise system" had been followed in most districts under which the monopoly of supply of arrack or toddy in each district had been given to one contractor who also maintained the shops on certain conditions, namely, that he paid a duty on every gallon of spirit issued fixed with reference to the prevailing selling price, that he did not sell above a fixed maximum price and that he paid a premium guaranteed revenue which was arrived at by tenders in the open market. It had also been laid down that the spirits should be sold at specified strengths and at retailed rates between certain minima and maxima. This excise system, though superior in some ways to the farming system which it had replaced, had resulted in many serious faults. It had no doubt led to concentration of manufacture and the use of improved appliances and cheaper methods. It had also no doubt tended to eliminate unwholesome materials and ensured that the revenue was got without risk or difficulty. But it had, at the same time, been responsible for a serious growth of illicit practices. Under the old system it had been to the interest of the farmer to prevent the manufacture and sale of illicit liquor. Under the new system there had been no such inducement. Since all the shops were in the hands of the manufacturer and since he had to pay duty on the quantity he issued to them, it mattered little to him if the shops sold illicit liquor. Nor was this all.

Under the new system, to save themselves expense and trouble, the renters had failed to keep open shops in outlying tracts, and there being no licit supply in those tracts, the consumers there had resorted to illicit manufacture. The renters too had screwed down the profits of the retailers to such an extent as to force the latter to seek profit by adopting illicit practices. And lastly, the renters had entirely failed to maintain the preventive staff, which it was their duty to maintain, to put down the illicit practices fostered by the system [1].

Changes introduced in 1886 and in 1900.

It is in the light of this background that the changes introduced in the excise system in 1886 assume their importance. It was now that a strong Government preventive force, separate from the ordinary excise and revenue establishments, was organized to put down illicit practices. It was now that a regular Excise Department was constituted. It was also now that a declaration was made by the Government that their intention was to realize " the maximum of revenue with the minimum of consumption " and a set of definite rules were prescribed in regard to both country spirits and toddy. In regard to the making and selling of country spirits it was decided (1) to sell the privileges of manufacture and of retail sale separately, (2) to break up the district farms into taluk farms or even smaller divisions in certain localities, (3) to fix a standard excise duty on country liquor on issue and differentiate the total taxation in respect thereof by licence fees or by other methods of payment by retail vend (e.g., by auction), (4) to abolish the surcharge system in municipalities where it existed and to substitute for it the sale of shop licences by auction, (5) to throw open to competition, subject to the payment of a moderate licence fee, of the right of manufacture or supply in certain selected areas, i.e., to adopt " the free supply system " and (6) to eventually abolish the Madras City Abkari system and to assimilate it to the system proposed for excise districts in general. As regards toddy, it was decided (1) to introduce the tree-tax system, i.e., to levy a tax on each tree tapped, (2) to issue licences for the sale of toddy in shops, (3) to issue licences for the distillation and sale of weak spirits distilled from toddy, (4) to farm the right of collecting tree-tax in small areas together with, or apart from, the exclusive right of vending toddy and of manufacturing and selling toddy spirits and (5) to replace gradually the system of farming the tree-tax by the direct issue of licences to the tappers [2].

Within a few years this system was changed in some respects. By 1900 it was found that " the free supply system " which had been introduced in some districts had led to

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[1] Excise and Temperance in Madras by D. N. Strathie, 1922, pages 14–22.
[2] G.O. No. 570, Revenue, dated 30th April 1884.
Excise and Temperance in Madras by D. N. Strathie, 1922, pages 22–23.

unhealthy competition and threatened to develop into a danger of monopoly. It was, therefore, abandoned in almost all districts and what was known as the contract distillery system was introduced. This system combined some old principles with new ones. Under it (1) the privileges of manufacture and vend were separated; (2) the manufacturer was given the privilege of setting up a distillery for supplying liquor to a fixed area at a definite rate per gallon for a series of years; (3) the Government supervised his processes and saw that the liquor was pure; (4) the privilege of retail vend of liquor supplied by the manufacturer was sold by auction by individual shops, the purchasers of which knew exactly where they had to obtain their liquor and what they had to pay for it; and (5) the prevention of illicit practices was retained in the hands of the Government[1]. This system, it may be noted, continued unchanged in essentials until prohibition was introduced in our State.

**Effects of temperance measures in 1883–1904.**

It was when these systems were being tried that attempts were made to implement the policy of temperance formulated by the Government of India. And there is evidence to show that, as a result of this policy, during the period 1883–1884 to 1903–1904, that is, before a further revision of excise policy was made by the Government of India, some tangible results were secured. During this period the total number of arrack and toddy shops was reduced from 35,750 to 28,938; the area and the population served by each shop were increased considerably, by nearly 100 per cent in the case of arrack shops; and the general incidence of taxation was largely increased by raising the duty on spirits, the tree-tax on toddy and the vend rents. In the same period, however, the revenue increased from Rs. 59,55,843 to Rs. 1,59,75,643 and the consumption also increased from 7,69,214 proof gallons to 7,89,444 proof gallons[2]. This was attributed by the Government to the increase in taxes and the increase in population; but the temperance reformers were not satisfied with this explanation.

**Suggestion made by the Indian National Congress.**

About this time a greater tempo was given to the temperance reforms. In 1900 the Indian National Congress viewed with not a little concern the growing consumption of liquors and urged the Government of India to increase still further the excise duties and to pass measures like the Local Option Act[3]. And in the following years wherever the Congress bodies met to demand political reforms, they began to demand temperance reforms as well[4]. In 1904, Mr. Lely, an Additional Member of the Imperial Legislative Council, submitted

[1] Excise and Temperance in Madras by D. N. Strathie, 1922, pages 23–24.
[2] *Idem*, pages 25–30.
[3] The History of the Congress by B. Pattabhi Sitaramayya, 1935, page 83.
[4] Tanjore District Handbook by B. S. Baliga, 1957, pages 97–98.

a memorandum to the Government of India stating that there was a general impression among all people that the Government were deliberately fostering the liquor traffic for the sake of the revenue that it produced and that the time had come when something more should be done to minimize the drink evil. He recommended that the number of foreign as well as country liquor shops should be reduced, that shops in objectionable sites should be removed, that the licences granted to temporary liquor shops during fairs and festivals should be revoked and that those granted for premises which provided accommodation for private drinking should be refused [1]. The Government of India thereupon constituted a committee for reviewing the entire excise administration in India [2].

**Recommendations of Mr. Lely.**

**Recommendations of the Excise Committee of 1905.**

This Excise Committee of 1905 made a series of recommendations, some general for All-India and some special for Madras. Among its All-India recommendations the following deserve to be mentioned. The concessions of free distilling, tapping, etc., granted to backward classes should be gradually reduced. The contract distillery system, such as the one adopted in Madras, should be adopted wherever possible. The fixed duty on issues should be considered as the main factor in taxation and the existing rates of still head duties should be increased, without, however, giving rise to uncontrollable illicit practices. The country spirits should be issued at fixed strengths wherever possible, the strengths being not higher than 30 u.p. (under proof) or lower than 60 u.p. The limits of private possession and of retail sale should be reduced to one quart, except under special circumstances. The number of licences issued for the sale of foreign liquor for consumption on the premises should be reduced. The rate of duty on beer should be increased and its quality improved by better arrangements for the control of luxuries. In the case of toddy, the tree-tax system should be followed in order to control consumption. As to the method of disposal of the right of retail vend, auction system, where possible, might be replaced by some other system which would give a better guarantee of respectable management, such as the surcharge system under which each gallon of liquor issued would, in addition to duty, pay another tax calculated on the incidence of vend fees for previous years. A careful scrutiny of both the number and the sites of the shops should be carried out in local areas and advisory committees should be appointed to revise the number and location of shops in towns. In deciding the number and location of shops, public opinion as represented by the inhabitants of the neighbourhood concerned, by the municipalities, local boards, railway authorities and large employers of labour, should be given sufficient weight. But as such public opinion

[1] G.O. No. 648, Revenue, dated 18th June 1904.
[2] G.O. No. 895, Revenue, dated 18th September 1905.

very often represented merely the opinion of persons of extreme views or of litigious character, the question of location of shops should be finally decided mainly on the reports of fully qualified local officers made after personal enquiry. Finally, the licensing conditions should be thoroughly scrutinized, the back and side entrances of the shops should be closed, private rooms should only be allowed under special sanction, the closing hours should be strictly enforced, the employment of women in liquor shops and the sale of liquor to children and drunken persons should be prohibited, all transactions of the shop-keepers should be frequently scrutinized by officers of rank not lower than that of an Inspector, and a strong and adequately paid excise staff should be maintained under the supervision of the District Collectors. Among the Committee's special recommendations for Madras must be mentioned (1) that the duty on country spirits should be increased; (2) that the number of foreign liquor taverns should be reduced; (3) that the rates of tree-tax should be raised and the number of toddy shops reduced and (4) that the reduction of liquor and toddy shops in Madras City should be taken in hand by a special committee appointed for the purpose [1].

**All except one approved by the Government of India.**

All these recommendations, save one, were accepted by the Government of India and ordered to be implemented by the local Governments concerned. The only exception related to the suggestion made that a substitute should be sought for the auction system. As to this suggestion the Government of India held that any other system would lead to the growth of vested interests and to corruption and chicanery in the disposal of licences and that no system superior to the auction system (like the one followed in Madras) was likely to be found suitable for India [2].

**Some special directions issued.**

A few years later, as a result of the increasing temperance agitation, some special directions were issued by the Government of India to the local Governments. In 1907 and 1912 temperance delegations waited on the Secretary of State and pressed for further reforms. They insisted that the licences for the sale of intoxicants should be reduced to the minimum, that the hours of sale should be restricted, that the system of excise advisory committees should be extended to all municipalities, that those committees should be made more representative and given power to deal with all licences, that the auction system of licensing should be replaced by a system of fixed licence fees, that the licensing function should be removed from the control of the Revenue Department and placed in

[1] Excise and Temperance in Madras by D. N. Strathie, 1928, pages 31–35.

[2] *Idem*, pages 35–36.

the hands of local committees or some other independent authority and that temperance teaching should be introduced in schools [1]. About the same time, in 1912, the Indian Temperance Association submitted a memorandum to the Viceroy urging similar reforms, as also the provision of a hospital for inebriates and of counter attractions to intemperance like tea and coffee stalls [2]. The Government of India were, however, not prepared to adopt any radical measures. The only measures, they said, that could be adopted were the following :—(1) Every effort should be made to suppress illicit methods of all kinds and, for this purpose, the out-still system should be replaced by the contract distillery system. (2) As far as possible, without unduly encouraging illicit trade, consumption should be discouraged (*a*) by the levy of a higher rate of duty, taking into account the special conditions obtaining in the locality, (*b*) by reducing, with due regard to legitimate requirements, the number of retail shops for the sale of liquor and drugs and (*c*) by regulating and closely supervising the hours of sale, the selection of sites and the general practices adopted in manufacture and vend. (3) Advisory Committees should be appointed, where possible, and effect should be given to their recommendations so far as they were consistent with the general principles mentioned above. (4) Temperance teaching should be conducted in schools [3].

**Results achieved in 1906–1921.**

All these measures were implemented in our State. We may first see how this was done and with what results till 1921, till the next landmark in temperance policy, namely, the rise of the Non-Co-operation Movement.

**Increase in rates of duty.**

The increase in the various rates of duty effected during the period can best be shown by the following statements [4] :—

| Year. | Arrack — Average rate of excise duty per proof gallon. | | | Tree-Tax — Per coconut tree in most parts of the State. | | | Spirits — Tariff rate per proof gallon. | | | Beer per gallon. | | | Ganja per seer. | | | Opium per seer. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | | | (3) | | | (4) | | | (5) | | | (6) | | | (7) | | |
| | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. |
| 1906–1907 | 4 | 5 | 9 | 3 | 0 | 0 | 7 | 0 | 0 | 0 | 1 | 0 | 5 | 0 | 0 | 10 | 0 | 0 |
| 1920–1921 | 8 | 6 | 9 | 4 | 8 | 0 | 18 | 12 | 0 | 0 | 6 | 6 | 17 | 8 | 0 | 37 | 0 | 0 |

**Excise Advisory Committees.**

Reduction in the number of shops was made mostly on the advice of the excise advisory committees appointed from 1909. These committees were confined to municipalities and in the case of those at the headquarters of the districts and of

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[1] Collection of Papers relating to the Excise Administration in India, 1914, pages 1–3.

[2] *Idem*, pages 214-221, 229-233.

[3] G.O. No. 1254, Revenue, dated 5th May 1914.

[4] Excise and Temperance in Madras by D. N. Strathie, 1922, page 64.

a population over 30,000, consisted of the Collector, the District Superintendent of Police and the Chairman of the municipality. In other municipalities they consisted of the Divisional Officer, the Chairman, and the Assistant Superintendent of Police or some other local police officer appointed by the Superintendent. Their functions were to advise what changes should be made in the number and location of toddy and arrack shops and to fix the maximum and minimum number of shops for the town in question [1]. In 1914 advisory committees were formed for bigger Unions also; they consisted of the Tahsildar, the Union Chairman and the Police Inspector [2]. In 1917 the constitution of the various committees was broadened, it being laid down that they should, in municipalities, consist of (1) the Collector, (2) the Chairman, (3) the District Superintendent of Police, (4) the local Abkari Inspector or the Assistant Inspector and (5) two non-official members of the union panchayat elected by that body. The president was, in each case, given power to co-opt an additional non-official member from the classes of the community who did not regard drinking *per se* as a vice when representation of those classes had not already been secured by the personnel of the municipal or union members of the committee [3]. A further extension was made in 1919 when the Collectors of districts were authorized to form advisory committees in all unions having a population of over 8,000 inhabitants [4]. In addition, the Collectors were requested to consult the District and Taluk Boards and Municipal Councils generally on the lists of shops proposed to be opened for any locality and specifically on any proposals that might come up for consideration in the course of the year. The Collectors were also required to consult large employers of labour whenever they proposed to move any shop which affected the labour which they controlled. In Madras City a fuller measure of local control was conferred in 1918 by the establishment of an Excise Licensing Board consisting of (1) the Collector, (2) the Commissioner of Police, (3) the Assistant Commissioner of Excise, (4) the President of the Corporation, (5) and (6) two Commissioners elected by the Corporation, (7) a large employer of labour and (8) a representative of the temperance societies. This board was given full power to determine the number and location of abkari and opium shops within the municipal limits of the

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[1] G.O. No. 3436, Revenue, dated 24th October 1910, page 5 of the report for 1909–1910.

[2] B.P. No. 150, Abkari, dated 17th February 1914.
G.O. Ms. No. 967, Revenue, dated 31st March 1914.

[3] G.O. No. 644, Separate Revenue, dated 22nd June 1917.
G.O. No. 650, Separate Revenue, dated 29th June 1917.
G.O. No. 420, Separate Revenue, dated 12th October 1918.—*See* pages 15–16 of the report.
G.O. No. 652, Separate Revenue, dated 29th June 1917.

[4] G.O. No. 60, Revenue, dated 8th January 1919.

city, subject only to the general control of the Board of Revenue [1].

Reduction in the number of shops

The reduction in the number of shops made on the advice mostly of these committees can be shown thus [2] :—

REDUCTION OF SHOPS.

| Year. | Arrack. | Toddy. | Hemp drugs. | Opium. | Foreign Liquor Taverns, Beer shops and Foreign Liquor 2. shops. |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1906–1907 | 10,239 | 18,684 | 636 | 1,121 | 530 |
| 1920–1921 | 6,008 | 10,463 | 402 | 603 | 217 |

It may be stated here that shops in the Madras City came in for special investigation. Between 1907 and 1917 four committees were appointed to go into the question of reduction of shops and the number of shops were reduced from 55 taverns, 48 arrack shops and 253 toddy shops in 1906–1907 to 10 taverns, 20 arrack shops and 64 toddy shops in 1920–1921 [3].

Reduction in the strength of liquor.

Reduction in the strength of liquor was effected through the contract distillery system. In 1905 the bulk of the liquor sold in the composite State was of a strength of 30 u.p while the rest was 20 u.p. From 1906 the sale of 20 u.p. liquor was gradually abandoned. In 1914–1915 the strength of the liquor generally issued was reduced from 30 u.p. to 32 u.p., in 1917–1918 to 34 u.p. and from 1918 to 35 u.p. At the same time in 1918 the Collectors were authorized to license shops for the sale of 60 u.p. liquor only and this liquor was given an advantage of 10 annas per proof gallon in duty. This experiment, however, soon failed. The weak liquor attracted only a certain class of consumers through its cheapness and was not popular where stronger liquor could be

[1] G.O. No. 41, Separate Revenue, dated 17th January 1912.
G.O. No. 261, Separate Revenue, dated 4th July 1918.
Excise and Temperance in Madras by D. N. Strathie, 1922, pages 46–49.

[2] Excise and Temperance in Madras by D. N. Strathie, 1922, pages 38–39.

[3] G.O. No. 1586, Revenue, dated 22nd June 1907.
G.O. No. 75, Revenue, dated 10th January 1908.
G.O. No. 92, Revenue, dated 13th January 1918.
G.O. No. 98, Revenue, dated 13th January 1908.
G.O. No. 2878, Revenue, dated 26th September 1911.
G.O. No. 186. Revenue. dated 23rd January 1912.
B.P. No. 699, Abkari, dated 27th July 1916.
G.O. No. 420, Separate Revenue, dated 12th October 1918.
Excise and Temperance in Madras, by D. N. Strathie, 1922, pages 39–44.

obtained without difficulty. The experiment was, therefore, discontinued from 1921, the general issue strength being maintained at 35 u.p[1].

**Limitations on possession.**

Nothing was done to impose further limitations on possession, as it was believed that the existing limitation of one bottle of country spirit or one gallon of toddy was the minimum when compared to the other States. But restrictions were put on the location of shops in 1917–1918. It was then ordered that rural shops should not be located without permission within a furlong of a metalled road, that when shops on road-side were sanctioned in rural areas the minimum distance should ordinarily be 5 miles, that the sites selected should be so far public, that persons entering the shops did not escape observation and that, where possible, the shops should be located on Government land. In order to ensure that these instructions were carried out, it was made part of the routine of an excise officer's inspection to say whether a shop was situated in an undesirable site or not and to propose remedies. As a result, a large number of road-side shops were removed[2]. In the same year, after consulting the Planters' Associations and the Collectors, certain general principles were laid down, (1) that the outlying shops in all but the large centres of population should be closed and that the existing checks on the illicit practices should be increased in co-operation with the planters; and (2) that the hours of sale of liquor on Sundays and market and festival days in shops to which estate labour resorted, should be restricted[3].

**Restrictions on location of shops.**

**Limitations on hours of sale.**

Moreover, with effect from 1918 limitations were imposed on the hours at which shops might be kept open. The opening hours were fixed at 9-30 a.m. in the case of arrack shops, foreign liquor taverns and beer shops and at sunrise for the remaining shops. The closing hour for all kinds of shops was fixed at 8 p.m. and sales outside the prescribed hours were absolutely prohibited. The Collectors were empowered to

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[1] G.O. No. 3436, Revenue, dated 24th October 1910—*See* page 2 of the report.
G.O. No. 454, Revenue, dated 7th December 1915—*See* the report for 1914–1915.
G.O. No. 420, Separate Revenue, dated 12th October 1918—*See* page 17.
G.O. No. 488, Separate Revenue, dated 30th December 1918.
G.O. No. 822, Revenue, dated 8th December 1919—*See* the Note.
G.O. No. 2296, Revenue, dated 7th October 1919—*See* report, page 15.
G.O. No. 2557, Revenue, dated 21st October 1921—*See* page 14 of the report.
Excise and Temperance in Madras by D. N. Strathie, 1922, pages 42–43.

[2] G.O. No. 2557, Revenue, dated 21st November 1921—*See* page 14 of the report.

[3] *Idem.*
Excise and Temperance in Madras by D. N. Strathie, 1922, pages 45–46.

Closure of certain shops.

close shops within 3 furlongs of factories, mills and other large centres of labour and, where that was not practicable, to close them on week days from 11-30 a.m. to 1 p.m. and on afternoons of pay days and to allow sales on Sundays only between 11-30 a.m. and 4 p.m. The Collectors were also empowered to insert special conditions in licences providing for the closure of shops during fairs and festivals and on market days [1].

Restrictions on conditions of sale.

Restrictions on sale conditions were, at the same time, revised so as to prohibit gaming and entertainment in shops, sale to drunkards, to children and to persons under 18 years of age and the employment of women not being members of the renter's family [2].

Temperance teaching in schools.

Temperance teaching was introduced in schools from 1915. In that year the Inspecting Officers were asked to take advantage of their visits to schools and teachers' associations to address the teachers on the benefits of temperance and on the importance of instilling into their pupils habits of temperance. Syllabuses were drawn up for schools dealing with temperance not only in connection with alcohol but also in connection with tobacco, opium and other drugs. They were also made to fit in either with moral and religious instruction or with the teaching of physiology and hygiene and general knowledge. Additional means employed were illustration matter, such as stories from the ancient classics of India, charts and pictures showing diagrammatically the effects of temperance, and lantern slides. A more direct means adopted was the employment of text books in English or Indian languages containing lessons on temperance [3].

Experiments in counter attractions to drink.

Opening of tea and coffee shops.

Nor was this all. Some experiments were made to provide counter-attractions to drink and to remove drastically in some places the temptation to drink. The experiment of opening tea and coffee shops as counter-attractions to liquor shops was tried in 1916–1919. The tea and coffee shops were established generally through the agency of local boards or municipalities, sometimes at their own charges and sometimes by toll-gate or market contractors as a term of their contracts. Over 30 shops were opened, but it was soon reported that they had failed to attract men accustomed to stronger drinks, and they

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[1] G.O. No. 2557, Revenue, dated 21st November 1921—*See* page 14 of the report.
G.O. No. 420, Separate Revenue, dated 12th October 1918—*See* pages 16–17 of the report.

[2] G.O. No. 420, Separate Revenue, dated 12th October 1918—*See* page 17 of the report.
Excise and Temperance in Madras by D. N. Strathie, 1922, page 49.

[3] G.O. No. 884, Separate Revenue, dated 20th October 1916—*See* page 4 of the report.

died, it is stated, a natural death [1]. In 1919 the Board of Revenue proposed another experiment, that of providing a substitute for a stimulant rather than that of providing a counter attraction alongside an existing liquor shop. It was pointed out that "industrial canteens" established for munitions workers in England during the war of 1914-1918 appeared to have had a distinct success in reducing drunkenness. It was felt that, if the workers could be supplied at proper times with good food near their place of work, they would not fly to the stimulant of alcohol and that, even if they did so, it would not do them so much harm. It was thought that, if they were given facilities for obtaining food in congenial surroundings in an interval of their work, they would not be driven by exhaustion to the drink shop at the end of the day. Accordingly a "coolies canteen" at the Salt Cotaurs Depot was opened in 1920. But this was closed in the very next year, having been declared a failure [2]. There was, however, a feeling among some officials that neither of these experiments was tried for a sufficiently long time to judge properly of their results [3].

**Coolies Canteen at Salt Cotaurs.**

**Reduction of shops in Salem.**

A third experiment, that of removing the temptation to drink, was tried in Salem town. On the recommendations of the Advisory Committee and the Municipal Council of Salem, the arrack and toddy shops of that town were, in 1917, reduced from 14 and 12 to 3 and 6 respectively and the rest were located outside the municipal limits so as to reduce drunkenness in the town. Within three years, however, it was found that the removal of the shops outside the municipal limits had led to such an increase in consumption in the adjacent rural shops that the total consumption in the town and rural shops remained practically unaffected. It was also found that illicit practices in the town had increased considerably. The shops were, therefore, brought back into the municipal limits [4].

**Results achieved in 1907–1921.**

Such were the temperance measures pursued by the Government from 1907 to 1921 for reducing consumption. But the test of the pudding is in the eating; and in spite of all these measures the consumption failed to decrease in any

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1 G.O. No. 884, Separate Revenue, dated 20th October 1916—*See* page 5 of the report.
G.O. No. 420, Separate Revenue, dated 12th October 1918—*See* page 17 of the report.
G.O. No. 2557, Revenue, dated 21st November 1921—*See* page 14 of the report

2 G.O. No. 1895, Revenue, dated 12th August 1919.
G.O. No. 1845, Revenue, dated 2nd August 1920.
G.O. Ms. No. 2557, Revenue, dated 21st November 1921—*See* page 15.

3 Excise and Temperance in Madras by D. N. Strathie, 1922, pages 51–53.

4 G.O. No. 27, Separate Revenue, dated 23rd January 1918.
G.O. No. 222, Revenue, dated 30th May 1918.
G.O. No. 2696, Revenue, dated 7th October 1919.
G.O. No. 125, Revenue, dated 8th January 1921.
G.O. No. 2452, Revenue, dated 8th November 1921.

appreciable manner, while the revenue rose to a great height. That this was so, is clear from the following statements [1]:—

### Consumption of Arrack.

| Year. | | Quantity consumed in proof gallons. | Consumption per hundred of population in proof gallons. |
|---|---|---|---|
| (1) | | (2) | (3) |
| 1908–09 | .. | 1,707,136 | 4·6 |
| 1920–21 | .. | 1,723,868 | 4·2 |

### Consumption of Toddy.

| Year. | | | | Number of trees tapped in terms of coconuts. |
|---|---|---|---|---|
| (1) | | | | (2) |
| 1906–07 | .. | .. | .. | 2,105,323 |
| 1920–21 | .. | .. | .. | 2,285,415 |

### Imports of Foreign Spirits and the issues of Locally-made Foreign Spirits from Distillerie

| Year. | | Import of foreign liquor in gallons. | Issues of locally made foreign spirits from distilleries in gallons. |
|---|---|---|---|
| (1) | | (2) | (3) |
| 1906–07 | .. | 878,966 | 6,810 |
| 1920–21 | .. | 371,817 | 37,779 |

### Consumption of Beer.

| Year. | | | | Issues of beer from breweries in gallons. |
|---|---|---|---|---|
| (1) | | | | (2) |
| 1906–07 | .. | .. | .. | 7,35,725 |
| 1920–21 | .. | .. | .. | 6,58,487 |

### Consumption of Opium and Drugs.

| Year. | | Opium in seers. | Hemp drugs in seers. |
|---|---|---|---|
| (1) | | (2) | (3) |
| 1906–07 | .. | 38,100 | 47,636 |
| 1920–21 | .. | 36,211 | 44,735 |

[1] Excise and Temperance in Madras by D. N. Strathie, 1922, pages 73–74.

### Excise Revenue.

| Year. (1) | | | | In lakhs of rupees. (2) |
|---|---|---|---|---|
| 1906–07 | .. | .. | .. | 204·31 |
| 1920–21 | .. | .. | .. | 543·57 |

The Government claimed again and again that, but for the temperance measures that they had introduced, consumption would have gone on increasing on account of the rise in population and increase in the prosperity of the working classes. They also claimed that the increase in revenues from 204·31 lakhs to 543·57 lakhs was due to the increase in the rates of duties levied on liquors and drugs. There was indeed some truth in these claims. But there was also much truth in the assertions made by the temperance reformers that the consumption was, on the whole, increasing and that the revenues were increasing in leaps and bounds and pressing hard on the poorer classes.

The Board gives a warning.

But the authorities held that nothing more could be done to minimise consumption. This is what the Board of Revenue said in 1921. There was a general consensus of opinion among the local officers that the reduction of shops had not tended to decrease consumption. Many of the officers were of opinion that the limit up to which reduction was possible had been reached and that, in some cases, reduction had been carried too far. The reduction, indeed, had tended to place the shops in the hands of rich capitalists who had begun to employ middlemen to work them; and these middlemen had tried their best to push up sales with the result that devices for breaking the law had been developed into a fine art. In Salem the removal of liquor shops outside the municipal limits had merely led to an abnormal increase in the consumption in adjacent rural shops and to the prevalence of illicit practices within the town. At Ootacamund, where, in deference to the recommendation of the local advisory committee, shops had been closed on shandy days, the estate coolies had made it a habit to stay away a day longer from work to get their drink and also to buy more expensive and harmful foreign liquor; in consequence of which the consumption of the latter had risen several hundreds per cent. The extensive closure of shops in several towns had led to wholesale hawking of liquor through streets, i.e., to uncontrolled sales in unlicensed premises and by unlicensed persons. The maximum quantity permitted to be possessed had been brought from the licensed shops, paid by transporters, stocked in unlicensed shops and there sold usually by short measure or in a diluted form. Prostitutes had been largely used by these unlicensed hawkers to push their wares. Further, the absence of shops within a reasonable distance of home had led many men to purchase a bottle

at a time and, instead of going to the arrack shop and having their one drink a day, they had begun to stay at home and drink more. The worst of this habit was that the presence of a bottle of arrack in the house had led to the man's wife and son to develop a taste for alcohol from which they would have been free if the drink had never been brought nearer to them. The closure of shops had also led to a concentration of drinking in a few shops, to drunkenness and street brawls, to complaints from the public and to the difficulties of securing sites for new shops. There was, therefore, no way but to increase the number of shops[1] .

Nor was this all. The Board reminded the genuine temperance reformers that in a country like South India, the mere closing of toddy shops would not solve the problem. Here the sources of illicit supply were far more accessible to the regular drinker than in any European country. If the shops were closed, liquor would be had from almost any palm with no more skill than was required to cut an incision or dress a spathe and no more apparatus than a knife and a toddy pot. In a country where so large a proportion of the lower or labouring classes were accustomed to the use of liquor, where every man could, so to speak, have his own beer shop in his own back garden, and where the extensive topes which covered most of the countryside could immediately take the place of the elaborate breweries of Europe, it was futile to imagine that the closure of the shops would have any permanently appreciable effect in stopping recourse to alcohol. If the shops were closed either the drinking would go on unchecked and uncontrolled—liquor being obtainable at a little of the existing cost—with a loss of Rs. 543 lakhs of revenue to the State, or the preventive establishments would have to be immensely increased, almost every village would have to be constantly patrolled and agricultural and tapping classes would have to be subjected to the oppression of a host of petty officials. In the latter case, the field for blackmail of private individuals and of the corruption of officials would be vastly expanded. It appeared also quite unlikely that mere preventive activity could cope with the problem. The majority of the population would either be apathetic or in actual sympathy with the drinkers and under such conditions, mere preventive activity could not be regarded as an adequate substitute for the provision of a reasonable licit and taxed supply[2],

A new hope.

A picture like this painted by the authorities could not but damp the hopes and aspirations of temperance workers. But the times were now fast changing. A new era was dawning.

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[1] G.O. No. 2557, Revenue, dated 21st November 1921—*See* pages 12–13.

[2] *Idem*—*See* page 12 of the report.

Anti-drink propaganda was stepping from the temperance to the political platform and its horizon was infinitely widening. Future prospects of temperance, therefore, could not be said to be unpromising.

Temperance agitation during the Non-Co-operation and Civil Disobedience Movements.

The credit for launching for the first time a nation-wide agitation against the drink evil in India goes undoubtedy to the Congress Party. Under the inspiring leadership of Gandhiji, Rajaji and a host of lesser luminaries, that party rapidly came into the lime-light and carried on everywhere, all over the country, a sustained and, at times, a vigorous campaign against drink. With the fervour of crusaders the spokesmen of that party attacked the drink problem in all its aspects, moral, social and economic. The drink evil, they said, was eating into the very vitals of society. It was not sanctified by any religion or law of our country, nor was it sanctioned by public opinion. In fact all enlightened public opinion, all over the world, was against it. It was ruining the happiness of homes, destroying the peace and quiet of towns and villages and increasing the incidence of grave crime. It was undermining the health of millions and reducing the output alike in mills, factories and fields. It was, indeed, sapping the strength of the nation in every way and making it impossible to raise the general standard of living. It was for reasons such as these that Gandhiji made the eradication of drink evil a primary plank in the Congress programme and Rajaji supported him with all his might in his well-known pamphlets "Indian Prohibition Manual" in English and "Uru-kattupadu" in Tamil. It was also for reasons such as these that during the Non-Co-operation and Civil Disobedience agitations the Congress workers everywhere resorted on a large scale to the social boycott of drinking classes, to the cutting of spathes of coconut trees and to the picketing of liquor shops and liquor shop sales [1].

Effects of these agitations.

The effects of these agitations were by no means inconsiderable. Thus in one single year, in 1921-22, the excise revenues of this State suffered a loss of 60 lakhs of rupees and in one single year in 1931–32 a loss of about a crore of rupees [2]. Several local bodies now pressed for local option. The Legislative Council became a constant scene of attacks on excise policy. Discussions on that policy were held,

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[1] References are too many to be mentioned. But *see* e.g. :—The Non-Co-operation and Khilafat Movements in the Madras Presidency (Confidential).

Under Secretary's Secret File No. 407, dated 6th May 1925.
The Civil Disobedience Movement (Madras), 1930–31 (Confidential).
Indian Prohibition Manual, by C. Rajagopalachari, 1931.
G.O. No. 126, Public (General) (Confidential), dated 21st January 1932.

[2] Excise and Temperance in Madras by D. N. Strathie, 1922, page 60.
G.O. No. 2117, Revenue, dated 18th October 1932—*See* page 17 of the Report.

questions were asked, resolutions were moved and Bills were introduced with a view to securing local option or prohibition. It is interesting to note that it was during this period that one of the Independent Party Ministers went to the extent of framing a Prohibition Bill and embarrassing not a little the reserved half of the Government. Under all this storm and stress, the Government were compelled not only to continue the existing temperance measures but also to try some new ones.

**What happened in the Legislature during the period, 1921–1937.**

Let us now see what happened both in the Legislative and administrative spheres during the period 1921–37, a period which began with the appearance of the Non-Co-operation Movement and ended with the advent of the First Congress Ministry in our State. Taking the legislative sphere first, in 1921 Sri M. Ramachandra Rao, a non-official member, proposed to introduce a Bill in the Legislative Council called the Madras Local Option Bill. The enormous growth of excise revenue and the gradual increase of consumption of liquor, he said, had been the subject of debate for over a decade. The policy hitherto followed of securing the maximum of revenue with the minimum of consumption, of reducing the number of liquor shops, etc., had not proved successful in checking the growth of consumption. It was, therefore, imperative that other steps should be taken, in the interests of the agricultural labourer and the industrial worker, to reduce consumption. And the only way to do this, he pointed out, was to apply the principle of local option adopted in the western countries. He framed his Local Option Bill generally on the lines of the Temperance Act of 1913 of Scotland. The lineaments of his Bill were as follows. The local area for taking the poll was to be a division in the city of Madras, a ward in a municipality in the mufassal, a circle or a taluk board area, and the area included in a union board, i.e., the same areas adopted for taking a poll under the Local Board's Act. As to the procedure for taking the poll, a written requisition was to be made to the District Collector for taking a poll, signed by not less than one-fifth of the voters on the electoral roll. Power was to be conferred on the Collector to appoint either the president of a taluk board or a municipal chairman or any other officer as returning officer for taking the poll. The object of the poll was to be to ascertain the opinion of the local area in regard to two questions, first as to whether the number of shops should be reduced or their location should be changed, and second, as to whether the shops in the area should be totally abolished. For declaring either of the two resolutions (one called the "Limiting" resolution and the other the "No licence" resolution) carried, at least 25 per cent of the voters of such area were to vote in favour of the resolution, but if 60 per cent of those taking part in the poll were to be in favour of

**Sri Ramachandra Rao brings in a Local Option Bill.**

" No Licence " resolution such resolution was to be declared carried. If those in favour of the " No Licence " resolution were to be less than 60 per cent of those taking part in the poll, their votes were to be added to the votes of those who might have voted in favour of a " Limiting " resolution. For declaring the latter resolution carried, it was also necessary that a majority of those taking part in the election should vote in its favour. A voter was not to be entitled to vote for more than one resolution submitted to the poll. No fresh poll in the area was to be taken for three years from the date of the previous poll. As to the procedure to enforce the resolution, in the case of " No Licence " resolution, the Collector was not to be at liberty to issue any licences under the Madras Abkari Act of 1886 for the sale or transport of liquor in that area. Similarly, if a " limiting " resolution were carried, the Collector was to be bound to frame a scheme for the reduction of shops and to publish it in the locality and, after hearing objections, to finally approve and give effect to the scheme. A poll might be vitiated by fraud, underhand influence and coercion and, in such cases, the Collector was to be at liberty to report the matter to the Government, after holding an enquiry and the Government were to be at liberty to set aside the resolution and to order a fresh poll if necessary. The Collector, however, was to be bound to give effect to the resolution for a period not less than three years, before he could review the position. The object of this provision was to allow a reasonable period to the Collector to judge the result of the adoption of the resolution in the area. If the Collector were to find that there was a substantial increase of illicit manufacture, he was to place the matter before the Government for their orders.

The aim of this Bill, Sri Ramachandra Rao said, was to promote the gradual reduction of the consumption of liquor by enlisting public opinion in the area in favour of temperance. This Bill applied only to arrack shops in the first instance, but power was given to the Government to extend it to other kinds of liquor after some experience had been gained[1].

**The Board severely criticises the Bill.**

But the Board of Revenue pounced upon his Bill and pulled it to pieces. Its arguments against his Bill were, in essence, the following. His Bill was said to be based on the Temperance Act of 1913 of Scotland, but actually it departed in several respects from the principles underlying that Act. In the first place, the Scottish Act provided a machinery for ascertaining the wishes of the majority of the population. In Scotland the voters entitled to vote under the Temperance Act numbered about 50 per cent of the population, whereas in

[1] G.O. No. 239, Law (Legislative), dated 31st October 1921.
G.O. No. 1388, Revenue, dated 20th June 1921.
G.O. No. 26–27, Law (Legislative), dated 24th January 1923.

Madras, the voters under his Bill amounted to about 5 per cent of the population, being composed largely of persons who by caste and religion were opposed to the taking of alcoholic liquor. There was, therefore, no pretence that the wishes of a large section of the community could be ascertained under his Bill. Secondly, the Scottish Act presented three alternatives to the voters, either " No change ", " Limitation ", or " No Licence ". His Bill presented to the voters no such choice. When once a resolution was taken for a poll, the only matter to be submitted to vote was " Limitation " or " Total Prohibition ". The voters would thus be denied of an opportunity of declaring that they were satisfied with the existing state of things. Thirdly, his Bill made the percentage of voters required to carry a " No Licence " or " Limiting " resolution lower than in Scotland with the result that, if the Bill were passed, a very small minority of the voters could force their will upon the community at large. In Scotland 55 per cent of the votes recorded was required to carry a " No Licence " resolution and 35 per cent of the total electorate must vote in favour of such a resolution. His Bill altered these figures to 60 per cent and 25 per cent. The effect of this alteration could be seen by examining a local area of, say, 4,000 inhabitants. In Scotland the number of voters would be 2,000, in Madras 200. To carry a " No Licence " resolution 700 voters must vote in favour of it in Scotland out of a poll of at least 1,273, whereas in Madras, 50 votes would suffice out of a poll of 84. Similarly 25 per cent would suffice to carry a " Limiting " resolution in Madras as against 35 per cent in Scotland. As there was no provision in his Bill for voting for " No change " it followed that those who were opposed to both " No Licence " and " Limitation " would not go to the poll at all. Therefore, in a constituency of 4,000 inhabitants, 50 voting for " No Licence " and 34 for " Limitation " would be able to effect the closure of all the shops in the area, possibly against the wishes of the remaining 3,916 inhabitants. Fourthly, under the Scottish Act, a " No Licence " resolution merely meant that public houses were closed; it did not imply the closure of inns, hotels and restaurants. In his Bill, on the other hand, a " No Licence " resolution involved the cancellation of all licences for sale and transport. This prohibition of transport would undoubtedly give rise to very serious administrative difficulties in carrying liquor from distilleries or warehouses to areas where the " No Licence " resolution was not in force. Similarly, while a " Limitation " resolution in Scotland was defined to mean the extinction of a quarter of the existing number of licences, in his Bill a " Limiting " resolution was extremely vague and was apparently framed with the object of getting a maximum advantage from people voting with different objects in view. Some of the voters might vote for the

"Limiting" resolution with a view to getting the sites of particular shops changed while others might want the total number of shops to be reduced. Before his Bill could be put to the vote of the Council, it was essential to have the definition of the "No Licence" and "Limiting" resolutions radically altered. Fifthly, under the Scottish Act the voters had power at the end of three years to demand a fresh poll for the repealing of a "No Licence" or "Limiting" resolution. This power had not been conferred under his Bill to the voters in Madras. They might only demand another poll to widen a "Limiting" resolution or convert it into a "No Licence" resolution. Again, in his Bill, a "No Licence" resolution could only be cancelled by the Government and that also, after it had been in force for three years, during which the people might have become demoralized by the growth of illicit practices. These were the defects and of these the most serious was that his Bill entirely failed to achieve the main object of any scheme of local option, i.e., to ascertain the wishes of the majority of the population [1].

Other Local Option Bills.

Before these remarks had reached the Government, the Governor had given permission for the introduction of the Bill in 1923. But fortunately for the Government, this permission could not be availed of by Sri Ramachandra Rao since by that time he ceased to be a member of the Legislative Council. Nevertheless attempts in the direction pointed out by him were repeatedly made by some other members. In 1924 Sri C. V. Venkataramana Ayyangar, another non-official member, sought to introduce a Local Option Bill, drawn mostly on the lines of Sri Ramachandra Rao's Bill, but the Governor declined sanction for its introduction [2]. In 1926 the same member made another attempt to bring in his Bill but once more the sanction for its introduction was refused [3]. In the same year, Sri Basheer Ahmed, another non-official member, attempted to introduce a Local Option Bill which was slab modelled in most respects on Sri Ramachandra Rao's Bill, but to this Bill also leave for introduction was refused [4].

Special Excise Committee and its recommendations.

It is unnecessary to describe these Bills; what is necessary to state here is that the Legislature at this time severely criticised the excise policy of the Government. It is as a result of such criticism that the Government were compelled to appoint a Special Excise Committee consisting of the members of the Legislative Council to suggest practical measures for reducing the consumption of liquor. This committee gave its views on various matters, namely, prohibition, local option, restrictions on hours of sale, rationing,

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[1] G.O. No. 1103, Revenue, dated 21st July 1923.
[2] G.O. No. 371, Revenue, dated 6th March 1925.
[3] G.O. No. 587, Revenue, dated 26th March 1927.
[4] G.O. No. 1457, Revenue, dated 28th July 1927.

increase in licence fees, surcharge system and separate treatment of arrack and toddy. The committee was not prepared to recommend prohibition. "Whatever may be our views about prohibition as the goal of excise administration for the Presidency, we do not think that an attempt to introduce it immediately would be attended with success, while the failure of such an attempt, if made, would prejudiciously affect the success of any attempt at reduction of consumption for many years to come." Nor was it prepared to commit itself to the opinion that the introduction of a Local Option Bill under the existing circumstances would reduce consumption. It did not feel justified in advising that legistlation for local option should be initiated at once either on the basis of the existing electorate or on that of adult suffrage. As to the other matters its views may be summarised thus. Experience had shown that a reduction in the number of shops had very little effect on consumption and that such reduction only resulted in the overflowing of shops and continual complaints as to their location. Any further restrictions on hours of sale might only lead to illicit, instead of licit, consumption, as the working classes could come to the shops only during certain hours of the day. Experience in Bombay indicated that the rationing system merely operated towards enhancing the price of liquor and that, though there might be a reduction in licit consumption under that system, that reduction had to be balanced against a large increase in the number of offences, a circumstance which pointed to an increase in illicit distillation. Licence fees could, however, with advantage, be increased to reduce consumption and this could be best effected by a steady rise in the still head duty on spirits and on the rates of tree-tax for toddy. Surcharge system was not a method of reducing consumption but merely an alternative method of taxing shop-keepers. It depended entirely on the rigid enforcement of the fixed selling price, a factor which was practically an impossibility. As to the treatment of arrack and toddy, they should be treated separately and some experiment towards the progressive reduction in the quantity of arrack offered for sale could be made with advantage. Thus, it was desirable to close the arrack shops in certain toddy drinking areas and to prohibit the sale of liquor to the hill tribes on the Nilgiris. The only other measures of a practical nature that could be pursued were the formation of licensing boards with non-official majorities in municipalities with a population of above 50,000, a licensing board with wider powers for the city of Madras and advisory committees with non-official majorities for rural areas including municipalities.

When this report of the committee was placed before the Legislative Council, some heated discussions took place on the excise policy of the Goverment. Three resolutions were

**Resolutions on prohibition.**

moved advocating a policy of prohibition and one of these was passed. This resolution recommended that it should be the declared policy of the Government to secure total prohibition within a period of twenty years and to attain this goal, the number of shops should be gradually reduced, rationing should be introduced and ways and means for making up the loss of revenue should be explored. As this resolution was, however, passed only by a narrow majority when the attendance was poor in the House, the Government did not feel it necessary to accept it.

**Government's objection to prohibition, etc.**

Indeed, the Government felt that there were very serious practical difficulties in enforcing a policy of prohibition. One difficulty was that of securing the co-operation of the people to make the policy a success. Several classes indulged in drinking and several others did not view it with disapprobation. Another difficulty was that nature had provided almost every village and field with the means of indulging in the desire for alcoholic stimulants with the minimum of trouble. The adoption of a policy of prohibition under such circumstances could be justified only if it were proved that gross intemperance existed or threatened to become so common as to constitute an intolerable menace to the well-being of society as a whole, which less stringent expedients had failed to remove. But there was actually no such danger. A third difficulty was that no State could enforce a policy of prohibition unless adjacent States and the foreign States occupying its borders enforce the same policy in their territories. But the main difficulty in adopting that policy was undoubtedly one of finance. Any measures which involved the abolition of, or even a substantial reduction in the excise revenue, could be initiated only after new sources of revenue had been discovered and tapped. Such new sources of revenues would have to be Imperial as well as Provincial, for the policy of prohibition in Madras would involve interference with the importation of foreign liquor, the duty on which was credited to the Government of India. And, as yet, there were no indications that such new sources of revenues would be forthcoming. Moreover, in estimating the loss of revenue which would result from a policy of total prohibition, account must be taken not only of the revenue approaching five crores of rupees which was at that time derived from excise but also of the inevitable increase in the cost of the preventive establishments. And this increase might safely be estimated at a crore of rupees at least. For all these reasons the utmost that could be done, the Government said, was to make experiments in partial prohibition wherever the conditions were favourable. They also agreed with the committee that neither local option, nor reduction in the number of shops, nor restrictions on the hours of sale, nor rationing, nor the

surcharge system, would tend to reduce consumption, and accepted its recommendations in regard to other measures like the increase in licence fees, the separate treatment of arrack and toddy, the prohibition of liquor to the hill tribes and the constitution of licensing boards and advisory committees [1].

**Sri Arogyaswami Mudaliar's Prohibition Bill of 1927.**

This was in 1926. In the very next year, however, Sri R. N. Arogyaswami Mudaliar, the Minister for Excise and Public Health in the Ministry of Dr. Subbarayan, came forward with a Bill for the gradual introduction of total prohibition in the State. He felt that the methods hitherto adopted, i.e., the gradual increase of duty on arrack, ganja and opium and in the tree-tax for toddy and the gradual reduction in the number of shops, could not be said to have achieved any definite results towards the goal of prohibition, which should undoubtedly be the goal of excise policy. He also felt that the results achieved by the surcharge system adopted in Bengal, by the local option system tried in the United Provinces (Uttar Pradesh) and in the Punjab, and the rationing system introduced in Bombay, had not been such as to hold out any hopes that the ultimate goal of prohibition could be reached by any of those methods. He, therefore, made a statement in the Legislative Council on 16th March 1927 that prohibition was the ultimate goal of the excise policy of the Government and that such a goal could best be reached by definite and progressive stages, namely, by adopting prohibition successively in area after area in the State, the district being taken as the unit of area. And he submitted a Bill in May for that purpose. The procedure adopted in this Bill was the repeal of the Madras Abkari Act of 1886 in areas where prohibition was to be brought into force. In areas where prohibition was not to be introduced, the Abkari Act was to continue in force. The Bill contained all the provisions of the Abkari Act which it was necessary to maintain and it was in effect an amendment of that Act. It penalised in prohibition areas all traffic and consumption of liquor and intoxicating drugs but provided (1) for the exemption of certain articles, which might contain alcohol but which the medical profession needed for their work, such as certain forms of codliver oil and the like and (2) for permission being granted under licences to medical men in prohibited articles where it was necessary for medical relief. It also provided for honorary officers and magistrates being appointed in order to help in carrying out the objects of the measure. Some of the provisions of the Bill rendered the sanction of the Governor-General necessary, but the Minister hoped that, as there was a strong body of opinion behind the demand for

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[1] G.O. No. 1576, Revenue, dated 17th September 1926.
G.O. No. 2031, Revenue, dated 24th November 1926.

prohibition and as the Bill was only an enabling and experimental measure for feeling the ground, such sanction would not be refused.

**His schemes for the introduction of prohibition.**

Sri Arogyaswami Mudaliar submitted two schemes. According to his first scheme, prohibition, except in the case of beer and foreign liquor, was to be introduced in four years in five districts; according to his second scheme, it was to be introduced with the same exceptions within the same period in six districts. In order to make good the loss of excise revenue on account of these schemes he proposed to levy certain duties and taxes on liquor, opium and ganja and to increase the licence fees for foreign liquor shops. He, at the same time, pointed out that, if prohibition were to be introduced in all districts, it would be absolutely necessary to impose fresh taxes. He examined the various sources of taxation such as a surcharge on income-tax, a super-tax on land revenue, death and partition duties, export tax on tea and coffee, tax on exported tobacco, tax on exported groundnuts, export duty on articles like raw cotton and hides and skins, tax on betting and entertainment tax, but preferred to all these the levy of a poll-tax. He estimated that there were then nearly 80 million families in our State and that, if a poll-tax of Rs. 6 per family were levied, it would be possible to realise an amount equivalent to the excise revenue of 6 crores of rupees.

**The Reserved half oppose prohibition.**

His Bill and his proposals, however, had no chance of success. They fell under the powerful barrage of criticism levelled against them by the Members of the Reserved half of the Government. The arguments used by these Members can be briefly boiled down to this. Prohibition and poll-tax were bound to be unpopular. Poll-tax alone would not be sufficient to make up the actual loss of revenue, inasmuch as prohibition was bound to lead to widespread illicit practices and, therefore, to the employment of a large preventive staff. No other sources of State revenues offered any prospects; they could not be increased to yield any considerable sum. Nor could the Centre be relied upon to make good the loss. The alternative, therefore, would be to cut down expenditure on education, medical relief, agriculture, etc., and this could not be done, without detriment to public welfare. Nor was this all. Prohibition being an important question of policy involving the abandonment of revenue, it could not be introduced without the previous sanction of the Secretary of State. Being also a measure which ultimately affected finance and the maintenance of law and order, which were Reserved subjects, it could not be introduced before the advent of complete provincial autonomy. In the face of this opposition, the Prohibition Bill was consigned to limbo [1].

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[1] G.O. No. 1491, Revenue, dated 29th July 1927.
G.O. No. 869, Revenue (Confidential), dated 18th April 1928.

Some Resolutions on prohibition.

Where a Minister's attempt had not succeeded, it was not to be expected that a non-official member's attempt would succeed. And yet, several resolutions were brought forward in 1930 in the Legislative Council by non-official members urging the Government to take immediate steps to introduce total prohibition in at least one or two districts. Two of these resolutions became successful in the ballot; but the Government declared that they were not prepared to try the experiment[1].

What happened in administration during the period 1921 to 1937.

So much about what happened in the Legislative sphere. As to what happened in the administrative sphere, while the Government showed no disposition to resort to any radical measures, they showed every disposition to try less radical measures of temperance. From 1921 to 1937 they tried several of these measures, some old, some new, and these may now be described.

Increase in excise duty.

During this period the excise duty was raised on all liquors and drugs, except arrak, and the duty on arrack was reduced in 1935 to prevent illicit distillation. The position is shown in the statement below[2]:—

INCREASE IN THE RATES OF DUTY, ETC.

| Year. | Arrack. Average rate of duty per proof gallon. | | | Tree-tax. Per half year per coconut palm in the major part of the State. | | | Spirits. Tariff rate per proof gallon. | | | Beer. Per gallon. | | | Ganja. Per seer. | | | Opium. Issue price per seer. | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| (1) | (2) | | | (3) | | | (4) | | | (5) | | | (6) | | | (7) | | |
| | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. | RS. | A. | P. |
| 1921–1922 | 8 | 7 | 0 | 4 | 8 | 0 | 21 | 14 | 0 | 0 | 8 | 0 | 20 | 0 | 0 | 60 | 0 | 0 |
| 1936–1937 | 6 | 8 | 0 | 5 | 10 | 0 | 37 | 8 | 0 | 1 | 2 | 0 | 27 | 8 | 0 | 80 | 0 | 0 |

Establishment of Excise Licensing Boards for the city and municipalities and of advisory committees for Revenue Divisions.

The existing excise advisory committees of the municipalities and the excise licensing board of the Madras City were at the same time reorganized and excise advisory committees were formed for revenue divisions. This was done in 1927 as a result of the recommendations of the Special Excise Committee to which we have already referred. The

1. G.O. No. 261, Revenue, dated 4th February 1931.
2. Figures taken from Administration Reports of the Excise Department.

reconstituted Madras City licensing board consisted of 13 members of whom only 3 were officials and the rest non-officials. Its official members were the Collector of Madras, the Commissioner of Police and the Assistant Commissioner of Excise nominated by the Commissioner. Its non-official members were the President of the Corporation of Madras, 2 Commissioners elected by the Corporation, a large employer of Indian labour, a temperance representative, a member of the backward classes, a representative of the excise licensees and a member of the Madras Legislative Council for the city. The board had power to elect its own Chairman and to decide by majority vote all questions relating to the number and location of shops. Its decisions were declared to be final, subject only to the control of the Commissioner of Excise [1]. Licensing boards were now set up in the major municipalities with a population of over 50,000 in the place of the old advisory committees. These boards consisted of the following members: the Collector of the district, the District Superintendent of Police or his deputy, a gazetted officer of the Excise Department, 2 members of the municipal council, a member of the Legislative Council for the area, a temperance representative, a member of the depressed classes, a person representing the excise licensees and a large employer of labour. This board also had the power to elect its own Chairman, to decide by majority vote all questions relating to the number and location of shops and its decisions were also declared to be final subject only to the control of the Commissioner of Excise. The Excise Advisory Committees of the Revenue Divisions, which replaced the advisory committees of the unions, consisted of the Revenue Divisional Officer, the Assistant or Deputy Superintendent of Police or the Inspector of Police, the Assistant Commissioner of Excise or the Excise Inspector or the Assistant Excise Inspector, a member of the municipal council, a member from each taluk board of the Division, a person representing excise licensees, a temperance representative and a member of the backward classes. These committees too had the power to elect their own Chairman and to decide by majority vote all questions relating to the number and location of the shops, but their decisions were subject to the control of the Collector. The Collector was required ordinarily to accept the recommendations of the committee and in cases in which he differed from them, to refer the matter to the decision of the Commissioner of Excise [2]. The tenure of all the members of these boards and committees was declared to be three years.

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1 G.O. Ms. No. 2267, Revenue, dated 11th November 1927.
2 C.O. No. 1404, Revenue, dated 21st July 1927.

Reduction in the number of shops not appreciable.

There is, however, nothing to show that these boards and committees effected any appreciable reduction in the number of shops. This is clear from the following statements :—[1].

REDUCTION IN SHOPS.

| Year. | Arrack. | Toddy. | Hemp Drugs. | Opium. | Foreign Liquor taverns, beer shops and Foreign Liquor-2 shops. |
|---|---|---|---|---|---|
| 1921–22 .. | 5,874 | 10,409 | 404 | 604 | 230 |
| 1936–37 .. | 5,826 | 10,400 | 446 | 492 | 254 |

This was because the Board of Revenue in 1935 ordered the reopening of more shops to put a stop to the increasing dangers of monopoly and illicit practices. In 1934, for instance, the number of shops were as follows :—[2].

| Year. | Arrack. | Toddy. | Hemp drugs. | Opium. | Foreign Liquor taverns, beer shops and Foreign Liquor-2 shops. |
|---|---|---|---|---|---|
| 1933–34 .. | 5,400 | 9,939 | 454 | 556 | 201 |

The Board deprecates further reduction.

The very next year the Board reported that one of the results of the reduction effected in the number of shops had been a change in the class of persons entrusted with the liquor trade. Throughout the State a comparatively large number of small shops, very largely managed by actual renters, had been replaced by a comparatively small number of big shops, sometimes very big shops, largely controlled by financiers who had no interest other than a financial interest in working the shops. This had resulted in lack of competition and consequently in the forcing up of prices and the encouragement of illicit practices. Illicit liquor had thus been provided at a much cheaper rate than licit liquor to the detriment of Government revenue. "There are tracts in the State", the Board observed, "in which illicit distillation of arrack is the established practice and there are places in which regularly established illicit shops have been brought to light. In many urban and rural areas whole groups of shops have passed into the hands of monopolists and the conditions on which the whole Madras auction system is founded have disappeared". The Board, therefore, asked the Collectors to formulate proposals for opening extra shops in localities where illicit distillation had become rife or illicit sales, especially illicit sales on a shop scale, had been found to exist, and to place those proposals before the licensing boards and the advisory committees and insist on their being approved by those bodies. Where those bodies were unwilling to accept such proposals, the Collectors were required to submit the matter to the decision of the Commissioner of Excise[3].

Appointment of Central Propaganda Board and District Propaganda Committees.

To go back to the other measures, in 1929 the Government appointed a Central Propaganda Board and District Propaganda Committees for carrying on propaganda against the

[1] Figures taken from the Excise Administration Reports.
[2] *Idem.*
[3] G.O. No. 2956, Revenue, dated 12th December 1935.

use of alcoholic liquor and intoxicating drugs. A few lakhs of rupees were placed at the disposal of the Central Board for distribution to the District Committees and temperance organizations, local bodies, etc., who were willing to undertake the propaganda. The Central Board consisted of no less than twenty four members of whom only three were officials, the Revenue Secretary, the Commissioner of Excise and the Director of Public Health, the rest being non-officials. It was presided over by the Minister for Public Health and it was authorised to prepare and distribute leaflets, pamphlets, posters, charts and diagrams, to arrange for magic lantern lectures and cinema shows and mass meetings, to supply books and periodicals to schools, colleges and libraries, to institute prizes for essays and recitation contests and, to hold annual exhibitions, etc. The District Committee consisted of seven to nine members representing local bodies, social service, temperance and co-operative organizations and individuals interested in the movement. But this so-called Health Propaganda Scheme was tried only for a few years. In 1931 it fell under the axe of retrenchment and thereafter health propaganda was left to the Public Health Department [1].

Of the other temperance measures tried during the period, the most important were the closure of arrack shops in certain toddy drinking areas, the prohibition of supply of liquor to the hill tribes, both recommended, as we have already seen, by the Special Excise Committee, the introduction of the rationing system of arrack in some places and prohibition in some other places.

**Closure of arrack shops in certain toddy drinking areas.**

The closure of arrack shops in certain toddy drinking areas was ordered even in 1919–20, but this experiment was extended, watched and controlled properly only in 1921–37. It was tried in the Shiyali and Tiruthuraipundi taluks of the Tanjore district, in the Tiruvadanai and Paramakudi taluks of the Ramanathapuram district, in the Tenkasi taluk of the Tirunelveli district and in the Attur taluk of the Salem district. In order to minimise temptation, no new shops were allowed to be opened within 5 miles of the boundary of the area under experiment. But very soon, although no appreciable increase in the consumption of toddy was noticed, a considerable increase in the consumption of foreign liquor was observed in some of these areas. At the same time illicit distillation and smuggling became a menace in the Tenkasi and Attur taluks with the result that, the Government were compelled to order the re-opening of the arrack shops in those

[1] G.O. No. 1597, Public Health, dated 26th July 1929.
G.O. No. 794, Public Health, dated 3rd April 1930.
G.O. No. 889, Public Health, dated 5th May 1931.
G.O. No. 1583, Public Health, dated 28th August 1931.

two taluks. The experiment was however, continued in the other taluks till the general introduction of prohibition in the State[1].

Prohibition of liquor to hill tribes in the Nilgiris.

The experiment of prohibition of liquor to the hill tribes in the Nilgiris district was begun in 1924 under the impression that there was a genuine desire on the part of those tribes, the Badagas, etc., to abstain from liquor. It was ordered that no member of these tribes should be sold any liquor, except on medical certificate. It was, however, soon discovered that the genuine desire, if any existed, was confined to the leading men of the tribes, that the rank and file still hankered for liquor and encouraged illicit distillation and smuggling. Mettupalayam, Ootacamund and Kotagiri became the centres of these evils. The Excise Department as well as the Collector reported that the experiment was a failure but the Government, always hoping for better results, continued it till the general introduction of prohibition in the State[2].

Rationing system in Visakhapatnam.

The rationing system was tried between 1929 and 1934 in certain municipal and rural areas in the Visakhapatnam district. The ration was first calculated at 5 per cent less than the average consumption for the previous five years and subsequently reduced by another 5 per cent. But, owing to a sudden fall in consumption to less than the rationed limit,

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[1] G.O. No. 2688, Revenue, dated 8th November 1920—*See* pages 13–14 of the report.
G.O. No. 728, Revenue, dated 10th May 1923.
G.O. No. 1213, Revenue, dated 10th August 1923.
G.O. No. 1712, Revenue, dated 21st November 1923—*See* page 9 of the report.
G.O. No. 1984, Revenue, dated 15th November 1928—*See* page 15 of the report.
G.O. No. 2218, Revenue, dated 26th October 1929—*See* page 20 of the report.
G.O. No. 1900, Revenue, dated 7th October 1930—*See* page 18 of the report.
G.O. No. 2159, Revenue, dated 13th October 1931—*See* page 18 of the report.
G.O. No. 1857, Revenue, dated 6th September 1932.
G.O. No. 1920, Revenue, dated 24th October 1933—*See* page 15 of the report.
G.O. No. 2101, Revenue, dated 14th October 1937—*See* page 17 of the report.

[2] G.O. No. 392, Revenue, dated 10th March 1924.
G.O. No. 1836, Revenue, dated 27th November 1924—*See* page 10 of the report.
G.O. No. 2218, Revenue, dated 26th October 1929—*See* pages 20 and 21 of the report.
G.O. No. 1920, Revenue, dated 24th October 1933—*See* page 17 of the report.
G.O. No. 2057, Revenue, dated 10th October 1934—*See* page 17 of the report.
G.O. No. 234, Revenue (Confidential), dated 3rd February 1936.
G.O. No. 2293, Revenue, dated 23rd October 1936—*See* pages 17–18 of the report.
G.O. No. 2101, Revenue, dated 14th October 1937—*See* page 18 of the report.
G.O. No. 276, Revenue (Confidential), dated 2nd February 1937.

caused by the economic depression and the Civil Disobedience Movement, the Government discontinued the system from 1934 [1].

Total prohibition of arrack as well as toddy was tried in 1930–33 in parts of Tiruchengode, Namakkal and Rasipur taluks of the Salem district. This was done on the representations made by social reformers like Sri C. Rajagopalachari. In order to make the experiment a success, the marking of trees for shops within 5 miles of the areas was restricted to the average of the previous five years. At first the experiment showed signs of success, a great deal of enthusiasm was shown and the dry areas were somewhat extended. But gradually, the enthusiasm faded, illicit distillation increased, harmful drugs came into vogue and a number of representations were received by the Government for the reopening of the shops. The Governmet, therefore, abandoned the experiment in 1933 [2].

Prohibition of liquor in certain taluks of Salem.

Besides these, the only other temperance measures tried during the period 1921–1937 were the closure of arrack and toddy shops during festivals and market days, of liquor and drug shops within 3 miles of polling station on election days, of certain classes of shops in certain areas on Sundays and public holidays [3], and the restriction on the hours of sale in the arrack and toddy shops in the vicinity of the Buckingham and Carnatic Mills [4].

Closure of liquor shops on certain occasions, etc.

Having thus described the temperance measures adopted by the Government during 1921-1937, it remains now to indicate their results. The position both as regards consumption and revenues is best revealed by the following statement [5] :—

Results achieved in 1921–1937.

CONSUMPTION OF ARRACK.

| Year. | Quantity consumed in proof gallons. | Consumption per 100 of population in proof gallons. |
|---|---|---|
| 1921–22 .. .. .. .. | 1,644,417 | 4·0 |
| 1936–37 .. .. .. .. | 999,685 | 2·3 |

CONSUMPTION OF TODDY.

| Year. | Number of trees tapped in terms of coconuts. |
|---|---|
| 1921–22 .. .. .. .. .. | 2,101,968 |
| 1936–37 .. .. .. .. .. | 1,723,476 |

[1] G.O. No. 1900, Revenue, dated 7th October 1930—*See* page 16 of the report.
G.O. No. 2057, Revenue, dated 10th October 1934—*See* page 3 of the report.
[2] B.P. No. 828, Abkari, dated 5th April 1930.
G.O. No. 1857, Revenue, dated 6th September 1932.
[3] G.O. No. 1900, Revenue, dated 7th October 1930—*See* page 18 of the report.
[4] G.O. No. 1900, Revenue, dated 7th October 1930—*See* page 19 of the report.
[5] The figures are taken from the Administration Reports.

CONSUMPTION OF BEER.

| Year. | Issues of beer from broweries in proof gallons. | Foreign in proof gallons. |
|---|---|---|
| 1921–22 .. .. .. .. | 6,56,000 | 6,98,732 |
| 1936–37 .. .. .. .. | 3,73,477 | 6,32,757 |

ISSUES OF FOREIGN AND CONSUMPTION OF LOCALLY MADE FOREIGN SPIRITS.

| Year. | Import of foreign liquor in gallons. | Issues of locally made foreign spirits from distillaries in gallons. |
|---|---|---|
| 1921–22 .. .. .. .. | 2,99,008 | 16,944 |
| 1936–37 .. .. .. .. | 6,27,265 | 16,990 |

CONSUMPTION OF OPIUM AND DRUGS.

| Year. | Opium in seers. | Hemp drugs in seers. |
|---|---|---|
| 1921–22 .. .. .. .. | 34,530 | 40,596 |
| 1936–37 .. .. .. . | 21,819 | 38,117 |

REVENUE.

| Year. | Revenue in lakhs of rupees. |
|---|---|
| 1921–22 .. .. .. .. | 489·05 |
| 1936–37 .. .. .. .. | 396·25 |

**Hopes for the future.** It is needless to say that these figures, except in the case of consumption of foreign and locally made spirits, indicate no mean achievements. But temperance, whatever its achievements, had by now begun to lose its adherents. All radical reformers had by now begun to support prohibition. And with the accession of the First Congress Ministry under Sri C. Rajagopalachari none could doubt that the victory lay with prohibition.

## PART II—PROHIBITION—ITS INTRODUCTION.

Rajaji prepares a Prohibition Bill and gets it passed by the Legislature.

It is not often that dreams come true, but the dream of prohibition came true as soon as the Congress Ministry assumed office in our State in July 1937 under the premiership of Sri C. Rajagopalachari. Within a month of his assumption of office he took up the question of prohibition and within another he placed the Prohibition Act on the Statute Book. And this is no wonder. He had for years been the staunchest supporter of Gandhiji in his fight against drink. He had realised perhaps more than any one else, save Gandhiji, the havoc played by this evil alike in the moral, social and economic life of the people. He had taken an active part in the agitation against it at the time of the Non-Co-operation and Civil Disobedience Movements and, gradually getting convinced that nothing short of prohibition could remove it, had championed the cause of prohibition with unassailable arguments in his brilliant pamphlet entitled Indian Prohibition Manual, issued in 1931 under the auspices of the Congress Prohibition Committee. And now that he had come to power with the backing of the Congress Party which had pledged itself to prohibition and, what is more, with the backing, as he said, of the people who had returned that party to power to fulfil its pledges, he lost no time in framing a Bill for introducing prohibition first in his own district Salem and then in the other districts of this State.

He piloted the Bill himself in both the Houses of the Legislature. As may be expected, he met with some opposition. Some members said that the Bill had been hastily conceived and hurriedly pushed through. Others doubted the wisdom of its policy, a policy which they pointed out had signally failed in America. Some others assailed it on the ground that it trenched on the freedom of the individual and advocated temperance. Some others again asked, how the loss of revenue that it involved of more than 4½ crores of rupees would be made good and, if it was to be made good by the imposition of general taxes, whether such an imposition would not amount to penalising the good people for the salvation of the wicked. He, however, found no difficulty in answering these arguments and silencing his opponents. The Bill had not, by any means, been framed in haste. A similar Bill had been prepared as early as 1927, though it had been torpedoed on technical grounds by the then Government. The policy of prohibition had, indeed, been before the public for several years and the public had already pronounced their verdict in its favour by returning the Congress Party to power. Because that policy had failed in one country, it need not necessarily fail in another.

America was not India and the drinking habit in India had always been regarded as an evil to be eradicated. Freedom of the individual did not mean allowing an individual to do whatever he liked in all things; when his actions, as in the case under discussion, injured the welfare of the whole nation, they would certainly have to be restrained and nothing better could restrain them than legislation. Temperance would never succeed so long as temptations to drink existed everywhere. The large mass of the poor and ignorant people who took to drink could not be expected to rise above this temptation. And supposing they did rise above this temptation, what would be the result? Loss of revenue. So, this loss of revenue was bound to occur as much under real temperance as under prohibition. In either case, therefore, this loss would have to be made good by general taxes affecting the whole community, the rich as well as the poor. And would not such general taxes be far better than the taxes under the excise system which hit mostly the poor and that too with a harshness amounting to cruelty? It was by arguments such as these that the Premier got the Bill referred to a Select Committee and got it approved with hardly any modifications by that Committee and passed by the Legislative Assembly in less than forty-eight hours. The Bill was introduced into the Assembly on 25th September. It was passed into law on 27th September and on the very next day it was approved by the Legislative Council [1].

**Prohibition Act of 1937—Its general features.**

This Act (Madras Act X of 1937), the first of its kind in the whole of India, set a pattern to the other States and inaugurated a new era of tremendous possibilities. It was indeed, as the Premier said, based on the Bill of 1927 to which we have already referred. There is, however, evidence to show that this previous Bill, which went under the name of Sri Arogyaswami Mudaliar, was actually framed by the Premier himself [2]. It was, therefore, really not prepared in haste as his opponents alleged. It was prepared with every possible care as is shown by its provisions. It was intended to facilitate a real step towards the removal of the drink evil in this State and it provided statutory authority to introduce prohibition in select areas, with power to extend it to other areas as time and experience enabled such extension to be made. It was based on the assumption that the way to the attainment of the goal of prohibition was not by local option, which was unsuited to our country, not by gradual reduction of the number of shops, but by the bold introduction of total prohibition in certain select areas large enough to maintain an adequate

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[1] G.O. No. 202–203, Legal, dated 7th October 1937—*See* the Debates of the Assembly and the Council.

[2] G.O. No. 2102, Revenue (Confidential), dated 14th October 1937—*See* page 6 of the printed notes.

"dry" area within the State so as to enable the administration to gain experience and confidence. It repealed the Madras Abkari Act of 1886 in the areas in which prohibition was to be introduced but retained that Act in all other areas. It also contained all the provisions of the Abkari Act which needed to be maintained. In prohibition areas it penalised all traffic and consumption of liquor and intoxicating drugs but provided (1) for the exemption of certain articles which might contain alcohol or intoxicating drugs but which might be required for *bona fide* medicinal, scientific, industrial and such like purposes, (2) for the permission being granted under licences to medical men to deal in prohibited articles where it was needed for medical relief and (3) for the issue of personal permits to those who were habituated to drink and who, in the opinion of the Government, might be specially exempted and permitted to keep and consume bottled foreign liquor. It also provided for honorary officers being appointed to help in making prohibition a success [1].

**Its details. Chapter I—Preliminary matters.**

To describe the Act in detail, it was split up into seven chapters and 57 sections [2]. Chapter I dealt with preliminary matters. The Act was to extend to the whole State of Madras. Its sections 1, 3 and 6 were to come into force in the whole State at once and the rest of the Act in the Salem district at once and in any other area on such date, as the Government might fix by notification (Section 1). From the date on which the provisions of the Act, other than sections 1, 3 and 6 were to come into force in any local area, the enactments mentioned in the schedule were to cease to be in force in such area to the extent specified in the 4th column thereof, provided that the enactments referred to, revive and come into force in such area, if the provisions of the Act, other than sections 1, 3 and 6, were to cease to be in force (Section 2). The next section contained definitions of certain terms. Of these "export" meant to take out of any local area to which the Act applied to any other local area within the State to which the Act had not been extended, or to take out of the State otherwise than across a customs frontier. "Import" meant to bring into any local area to which the Act applied from any other local area in the State to which the Act had not been extended, or to bring into the State otherwise than across a customs frontier. "Intoxicating drug" meant (1) the leaves, etc., of the Indian hemp plant (*cannabis sativa-L*) including all forms known as bhang, siddhi or ganja, (2) charas, i.e., resin obtained from hemp plant, (3) any mixture with or without neutral materials or of intoxicating drug or drink preparation from them and (4) any other intoxicating or narcotic substance

[1] G.O. No. 2102, Revenue (Confidential), dated 14th October, 1937, pages 16–17.

[2] G.O. No. 397, Legal, dated 1st October 1937.

which the Government might declare to be an intoxicating drug. "Liquor" included toddy, spirits of wine, methylated spirits, spirits, wine, beer and all other liquor containing alcohol. "Manufacture" included process, natural or artificial, by which any fermented, spirituous or intoxicating liquor, etc., was produced or blended and also distillation and rectification of liquor. "Sale" or "Selling" included any transfer or gift. "Spirits" meant any liquor containing alcohol and obtained by distillation, whether denatured or not. "Denatured" meant rendering unfit for human consumption by a process prescribed by the Government. "Sweet toddy" meant fermented or unfermented juice drawn from a coconut, palmyra, date or any other kind of palm tree and "transport" meant to move from one place to another within a local area to which the Act applied (Section 3).

**Chapter II—Prohibition and penalties.**

Chapter II treated of prohibition and penalties, (*a*) whoever imported, exported, transported or possessed liquor or intoxicating drug or (*b*) manufactured liquor or any intoxicating drug, or (*c*) cultivated the hemp plant, except in accordance with the rules framed by the Government, or collected any portion of such plant, or (*d*) tapped any toddy producing tree belonging to him or in his possession, or (*e*) drew toddy from any tree or suffered toddy to be drawn from any tree belonging to him in his possession or (*f*) constructed or worked any distillery or brewery, or (*g*) used, kept, or was in possession of any material, still, etc., for tapping of toddy or the manufacture of liquor or intoxicating drug, or (*h*) bottled any liquor for sale, or (*i*) sold liquor or intoxicating drugs, or (*j*) consumed or bought liquor or any intoxicating drug, or (*k*) allowed any of the acts cited upon premises in his immediate possession, was to be punished with imprisonment which might extend to six months or with fine which might extend to 1,000 rupees or with both, provided that nothing contained in this subsection was to apply to any act done under the provisions of the Act or the terms of any rule, etc., issued thereunder [Section 4 (*i*)]. It was to be presumed, until the contrary was shown, (*a*) that a person accused of any offence under clauses (*a*) to (*j*) had committed such offence in respect of any liquor, etc., for the possession of which he was unable to account satisfactorily and (*b*) that a person accused of any offence under clause (*k*) had committed such offence, if an offence was proved to have been committed in the premises in his immediate possession [Section 4 (2)]. Whoever rendered denatured spirit fit for human consumption was to be punished with imprisonment which might extend to six months or with fine which might extend to 1,000 rupees or with both. Until the contrary was proved, any spirit which was found to contain denaturants was to be presumed to contain denatured spirit (Section 5). Whoever printed or

published in any newspaper, etc., any advertisement or any matter commending the use of any liquor or intoxicating drug, other than those exempted under section 16, or specifically approved as of medicinal value by the Medical Council, was to be punished with fine which might extend to 1,000 rupees. This section was, however, not to apply (*a*) to plain catalogues and price lists approved by the Commissioner, (*b*) to the normal circulation within the State of newspapers, etc., printed and published in accordance with law outside the State, or (*c*) to any advertisement contained in a newspaper printed and published in the State before 1st January 1938 (Section 6). When two or more persons agree to commit, or cause to be committed, any offence under sub-section (1) of section 4 or under section 5 or evaded, or nullified the provisions of the Act in any area where it was in force, notwithstanding that no act excepting the agreement was done by any of the parties, each such person was to be punished with imprisonment which might extend to three years or fine, which might extend to 5,000 rupees or with both (Section 7). Any officer or person exercising powers under the Act, who vexatiously delayed forwarding to the Prohibition Officer or officer-in-charge of the nearest police station any person arrested or any article seized under the Act, was to be punished with fine which might extend to 200 rupees (Section 9). Any officer or person exercising powers under the Act who abetted the escape of persons arrested under the Act, or abetted the commission of any offence against the Act, etc., was to be punished with imprisonment which might extend to six months or fine which might extend to 500 rupees or both (Section 10). Whoever was guilty of an offence in contravention of the provisions of the Act, not otherwise provided for, was to be punished with fine which might extend to 200 rupees (Section 11). Where any offence was committed in any area to which the Act had been extended, whoever committed or attempted to commit any of the acts making up the offence was to be liable to be punished whether such commission, attempt, etc., took place within or outside such area (Section 12). In any case in which an offence had been committed, the liquor, drugs, material, etc., by means of which the offence had been committed was to be liable to confiscation along with the receptacles, animals, vessels, etc., used to hold or carry the same (Section 13). When the offender was convicted or acquitted, the court might order whether anything was to be confiscated. When the offender was not known or when anything liable to confiscation and not in the possession of any person could not be satisfactorily accounted for, the Collector, or the Prohibition Officer or any officer authorized by the Government, might enquire into the case and order such confiscation, provided that no such order was to be made until 15 days had elapsed from the date of seizure of the things

to be confiscated or without hearing the persons claiming any right thereto (Section 14). All offences were to be cognizable and the provisions of the Criminal Procedure Code of 1898 with respect to cognizable offences were to apply to them (Section 15).

**Chapter III —Exemptions and licences.**

Chapter III referred to exemptions and licences. The Government might notify exemption of any liquor or intoxicating drug on the ground that it was required for a medicinal, scientific, industrial or such like purposes. The Government were to have power, when issuing a notification to that effect, to provide that a breach of any of the conditions, subject to which the exemption was notified, was to be punished with imprisonment which might extend to six months or fine which might extend to 1,000 rupees or with both (Section 16). Until the Government otherwise directed, the provisions of the Act were not to be deemed to apply (1) to liquor in the possession of *bona fide* travellers for their personal use while passing whether by road or rail through any local area in which the Act was in force or (2) to lawful consignments of liquor, etc., carried by a railway administration through, or into, any such local area (Section 17). The Government, or the Collector, under the orders of the Government, might issue licences to any person for the manufacture, export, import, transport, sale or possession, of any liquor, etc., on the ground that such liquor, etc., was required by such person for *bona fide* medicinal, scientific or industrial purpose or any purpose other than use as a beverage (Section 18). Subject to the control of the Government, the Collector, or any officer empowered by him, might issue (*a*) licences for tapping any trees for sweet toddy for consumption without fermentation or for the manufacture of jaggery or (*b*) permits for the possession, transport, or sale of such toddy (Section 19). The Government, or any officer empowered by them, might issue (*a*) permits authorizing any person to consume and possess for personal consumption any liquor or intoxicating drug, (*b*) permits authorizing any person or institution to possess and use any liquor for any religious purpose in accordance with ancient custom, (*c*) licences to any institution to possess liquor and issue it to such of its members as held permits under clause (*a*), and (*d*) licences to any person of a restaurant car in railway trains to possess liquor and serve it to *bona fide* passengers travelling by the train (Section 20). Every licence or permit under sections 18, 19 or 20 was to be (1) granted on payment of such fees for such period subject to such restrictions, etc., and (2) in such form containing such particulars as the Government might direct (Section 21). Every person taking out any licence or permit under sections 18, 19 or 20, was to be required to execute a counterpart agreement in conformity with the tenor of his permit or licence and to give such

security as the Collector might require (Section 22). The Collector might cancel or suspend any licence or permit (*a*) if the fee payable was not paid, (*b*) in the event of any breach by the holder of the licence or permit or his servant or one acting on his behalf, of the terms, etc., of the licence or permit or (*c*) if the holder was convicted of any offence under the Act or of any cognizable and non-bailable offence, or (*d*) if the conditions of the licence, etc., provided for cancellation or suspension at will or (*e*) if the purpose for which the licence or permit was granted ceased to exist. The Government were to have power to cancel or suspend any licence or permit without assigning the above or any other reasons (Section 23). In the event of any breach by the holder of the licence or permit or his servant, etc., of any terms of the licence or permit, such holder, in addition to the cancellation or suspension of the licence or permit, was to be punished with imprisonment which might extend to six months or with fine which might extend to 1,000 rupees or with both, unless he were to establish that all due and reasonable precautions had been exercised by him to prevent any such breach. Any person committing such breach, whether he acted with or without the permission of the licence holder, etc., was to be liable to the same punishment (Section 24).

**Chapter IV—Establishment and control.**

Chapter IV dealt with establishment and control. The Government might (*a*) appoint an officer to exercise all the powers of the Collector to have control of the administration in all local areas in which the Act was in force; (*b*) appoint any person other than the Collector to exercise all or any of the powers and duties of a Collector under the Act, either concurrently with or in exclusion of the Collector, subject to such control as the Government might direct; (*c*) withdraw from the Commissioner or Collector any or all powers conferred on him by the Act; (*d*) appoint paid or honorary officers with such designation, powers, etc., as the Government might think fit; (*e*) order that the powers and duties assigned to any person under clause (*d*) should be exercised by any existing Government official or other person; and (*f*) delegate to any Prohibition Officer of any of their powers under the Act (Section 25). The Collector or Prohibition Officer might constitute prohibition committees in every taluk to assist him in carrying out the objects of the Act. Every member of such a committee was to observe the working of the Act in his taluk and report thereon periodically to the Collector or Prohibition Officer. He was also to be entitled to give information at any police station in his taluk regarding the commission or suspected commission of any offence against the Act, and the officer in charge of such station was to take action on such information and investigate the case in the manner laid down in the Code of Criminal Procedure of 1898

(Section 26). The Government might authorize by notification all officers or classes of officers, etc., mentioned in section 32 throughout the State, or in any local area, to admit a person arrested under that section to bail to appear, when summoned before a Police Officer, a Prohibition Officer or a Magistrate for any enquiry into the offence, and might cancel or vary such notification (Section 27).

**Chapter V—Powers, etc. of officers.** Chapter V described the powers, duties and procedure of the officers. If any Collector, Prohibition Officer or Magistrate had reasons to believe that an offence under sub-section (1) of section 4 had been committed, he might issue a warrant for the search for any liquor, etc., in respect of which the alleged offence had been committed. Any person entrusted with the execution of such warrant might detain and search and arrest any person found in the place searched, if he believed such person to be guilty of an offence under the Act, provided that every person arrested under this section was to be admitted to bail by the person arresting, if sufficient bail were tendered. Before issuing such warrant, the Collector, Prohibition Officer or Magistrate was to examine the informant on oath and record the examination in writing, etc. (Section 28). Whenever a Collector, any Prohibition Officer not below such rank as the Government might determine or any Police Officer not below the rank of a Sub-Inspector, any officer in charge of a police station or any paid or honorary officer authorized by the Government, believed that an offence under sub-section (1) of section 4 had been committed, and that the delay occasioned by obtaining a warrant under section 28 would prevent the execution thereof, he might, after recording his reasons, at any time by day or night, enter and search any place and might seize anything liable for confiscation and might detain, search and arrest any person found in such place, if he believed such person to be guilty of an offence under the Act, provided that every person arrested under this section was to be admitted to bail, if sufficient bail were tendered (Section 29). The Collector, any Prohibition Officer not below such rank as the Government might determine, or any Police or other paid or honorary officer authorized by the Government, might enter and inspect at any time by day or by night any place in which it was suspected that any person drew toddy or manufactured any other liquor or intoxicating drugs or stored them or kept them for sale, and might examine, test, measure or weigh, any material, still, utensil, etc., found in such place (Section 30). It was to be lawful for an officer empowered to make an entry under sections 28, 29 or 30, to break open any outer or inner door or window, etc., if he could not otherwise make such entry (Section 31). Any Prohibition Officer, any officer of the Police and Land Revenue Departments and any other

person authorized by the Government, might (*a*) arrest without warrant any person found committing an offence punishable under sub-section (1) of section (4), (*b*) seize and detain any liquor, etc., liable to confiscation under the Act and (*c*) search any person, vessel, etc., upon whom, in, or upon which, he suspected liquor, etc., to be concealed, provided that, if the person making the arrest under this section were not empowered under section 27 to admit to bail, the person arrested was to be forthwith sent to an officer so empowered, if one was at a distance of 5 miles from the place of arrest, and it should be the duty of that officer to admit the person to bail if sufficient bail were tendered (Section 32). Any person who might be accused or suspected of committing an offence, and who on demand made by any Prohibition Officer or any officer of the Police or Revenue Department refused to give his name and residence, might be arrested by such officer in order to ascertain his name and residence (Section 33). All searches under the provisions of the Act were to be made according to the provisions of the Code of Criminal Procedure of 1898 (Section 34). Officials of all Departments of the Government and of all local bodies were to be legally bound to assist any Prohibition or Police Officer in carrying out the provisions of the Act (Section 35). They were to be likewise bound to give immediate information at the nearest police station or to a Prohibition Officer, of all breaches of any of the provisions of the Act that might come to their knowledge and take measures to prevent the commission of any such breaches which they believed were about or likely to be committed (Section 36). All zamindars, proprietors, tenants, etc., who owned or held land or house property, were to give notice of any tapping for toddy or manufacture of liquor, etc., on their lands or property to a Magistrate or to a Prohibition Officer or officer of the Police or Land Revenue Departments immediately the information came to their knowledge (Section 37).

When a person was arrested under sections 28, 29, 32 or 33, the person arresting him should, unless bail had been accepted under the same sections, forward him to the nearest police station or to a Prohibition Officer with a report of the circumstances under which the arrest was made [Section 38 (1)]. The officer-in-charge of a police station should either admit him to bail to appear when summoned before himself or the Prohibition Officer or the Police Officer or, in default of bail, should forward him in custody to such officer [Section 38 (2)]. The Prohibition or Police Officer on receipt of such a person should hold an enquiry and either release him or forward him in custody or admit him to bail to appear before the Magistrate having jurisdiction to try the case, provided that, if such enquiry was not commenced and completed on the day of the arrest or appearance before such officer, he

should, if sufficient bail was tendered, admit the arrested person to bail to appear either before himself or any other officer on any subsequent day [Section 38 (3)]. It should be the duty of any officer arresting any person under section 28 or 29 and of any officer-in-charge of a police station or any Police or Prohibition Officer before whom an arrested person was brought under Section 38, to release such person on bail, if sufficient bail were tendered (Section 39). Before a person was released on bail, he and one or more sureties should execute a bond for a sufficient sum of money and should appear before the officer in terms of the bond. The form of the bond was to be determined by the Government from time to time (Section 40). In the case of default of any person admitted to bail to appear before a Police or Prohibition Officer, if the officer was of opinion that proceedings should be taken against him, he should forward the bond to the Magistrate concerned to try the offence and the Magistrate should enforce the payment of penalty in the manner provided by the Code of Criminal Procedure of 1898, as if it was a case of default of appearance by a person bailed to appear before his own court (Section 41). Any Police or Prohibition Officer holding an enquiry in accordance with section 38 might summon any person to give evidence or to produce any document in his possession relevant to the case. If the journey to be made for complying with the summons exceeded ten miles by road and fifty miles by rail, the officer concerned should not summon the person (Section 42). Every summons issued under section 42 should state whether the person summoned was to give evidence or to produce a document or both and specify the time and place of appearance (Section 43). The person summoned should attend and answer questions relating to the enquiry put to him and the officer should record it in writing (Section 44). It should be lawful for a Police or Prohibition Officer, instead of summoning to appear before him any person, who from sickness, infirmity, rank or sex was unable to do so, to go to the residence of such person and conduct the enquiry and such person was bound to answer questions put to him and the provisions of section 44 should apply to such answers (Section 45). Any Police or Prohibition Officer might, after recording his reasons in writing, summon any suspected person to appear before him. When the person appeared before him, the procedure prescribed in sections 42 to 45 should become applicable. The officer might exercise the powers conferred by sections 42 to 45 before summoning such person (Section 46). The law in force as to summonses and compelling attendance of persons summoned in criminal courts was to apply to any summons issued by a Police or Prohibition Officer and to any person summoned to appear under the

provisions of the Act (Section 47). When a Police or Prohibition Officer forwarded any accused person to the concerned Magistrate to try the case, or admitted the accused to bail to appear before the Magistrate, he should send a report stating the name of the accused, nature of offence and the names of persons acquainted with the circumstances of the case and forward any article necessary to be produced before him. Upon the receipt of the report, the Magistrate should try the case, as if a complaint had been made before him in accordance with the Code of Criminal Procedure of 1898 (Section 48). When a Police or Prohibition Officer sent an accused person to the concerned Magistrate for trial and admitted him to bail for appearance or trial, or admitted him to bail for appearance before him, he should exercise all the powers conferred by the Code of Criminal Procedure of 1898, on any officer-in-charge of the police station in respect to causing the appearance of the witnesses connected with the case before the Magistrate (Section 49). No person accused or suspected of an offence under the Act should be detained for a longer period than was reasonable and that period should not, without the special order of a Magistrate, exceed 24 hours, exclusive of the time necessary for journeys (Section 50). All officers in charge of Police stations should take charge of the articles seized and delivered to them, pending the order of a Magistrate or Prohibition Officer. They might allow the Prohibition Officer to affix his seal to such articles and take samples. All samples taken should be sealed (Section 51). The District Magistrate should have power to transfer cases from one Magistrate to another within his district (Section 52). The Act was not to affect the operation of the Code of Criminal Procedure of 1898 (Section 53).

**Chapter VI —rules and notifications.**

Chapter VI related to rules and notifications. The Government were empowered to make rules—

(*a*) for the issue of licences and permits and the enforcement of the conditions thereof;

(*b*) prescribing the powers and duties of paid and honorary Prohibition Officers;

(*c*) determining the jurisdiction of Police and Prohibition Officers;

(*d*) authorizing any officer or person to exercise powers under the Act;

(*e*) prescribing the powers and duties of prohibition committees and the members thereof and the intervals at which the members of such committees should make their reports;

(*f*) regulating the delegation by the Commissioner or by the Collectors or other district officers of any powers conferred on them by the Act;

(*g*) regulating the cultivation of the hemp plant and the manufacture of drugs from the portions of those plants;

(*h*) declaring how denatured spirit should be manufactured;

(*i*) declaring in what cases appeals were to lie, from what authorities, to whom and prescribing the mode of appeals;

(*j*) for grant of batta to witnesses and of compensation for loss of time to persons released under sub-section (3) of section 38 on the ground that they had been improperly arrested and to persons charged before a Magistrate with offences under the Act and acquitted;

(*k*) regulating the power of Police and Prohibition Officers to summon witnesses from a distance under section 42; and

(*l*) for the disposal of articles confiscated and of the proceeds thereof (Section 54).

All rules made and notifications issued under the Act were to be published in the *Fort St. George Gazette* and upon such publication were to have effect as if enacted in the Act.

Chapter VII —Legal Proceedings.

Chapter VII treated of legal proceedings. No action was to lie against the Crown or against any Prohibition, Police or other officer, for damages in any civil court for any act *bona fide* done or ordered to be done in pursuance of the Act (Section 56). All courts were to take judicial notice of all notifications and orders conferring powers, imposing duties and making appointments under the Act (Section 57).

## SCHEDULE.

(*See* section 2.)

| Year. (1) | Number. (2) | Short title or subject. (3) | Extent of repeal (4) |
|---|---|---|---|
| | | *Acts of the Governor of Fort St. George in Council.* | |
| 1886 .. | 1 | The Madras Abkari Act, 1886 .. | The whole. |
| 1905 .. | 1 | The Madras Abkari (Amendment) Act 1905. | Do. |
| 1913 .. | 1 | The Madras Abkari (Amendment) Act, 1913. | Do. |
| 1915 .. | 1 | The Madras Abkari (Amendment) Act, 1915. | Do. |
| | | *Act of the Madras Legislature.* | |
| 1929 .. | XVIII | The Madras Abkari (Amendment) Act, 1929. | The whole. |
| | | *Act of the Indian Legislature.* | |
| 1930 .. | .. | The Dangerous Drugs Act, 1930. | So much of Schedule II as relates to the Madras Abkari Act, 1886. |

**Introduction of the Act into Salem district. Permits and licences.**

This Act was introduced into the Salem district from 1st October 1937. From that date all liquor shops were closed. *Bona fide* travellers were allowed to possess bottled liquor up to 3 units for their own personal use while passing through the prohibition area, a unit being equivalent to one quart bottle of whisky or other spirits including liqueurs, or 3 quart bottles of wine or vermouth or 12 quart bottles of beer or cider. This privilege was, however, not extended to travellers leaving the railway compartments or other conveyances in which they were travelling or occupying any rest-houses, railway refreshment rooms or other private or public lodging houses. Permits were issued to a limited number of persons accustomed to taking foreign liquor for the personal consumption of such liquor in limited quantities. Licences were issued to non-proprietary clubs for possession of foreign liquor and its sale to members holding permits. "Authorities" were granted to Bishops and priests for the possession of mass wine for use for religious purposes according to ancient custom[1]. Licences were prescribed for the possession and sale of denatured spirits and rectified spirits. Licences were also prescribed for the possession of brandy in hospitals for use for medicinal purposes and for the possession and sale on prescription of brandy and medicated wines by chemists, etc. All advertisements of medicated wines, etc., were prohibited[2]. Exemptions from the provisions of the Act were granted, subject to certain conditions, in regard to liquor required for medicinal, scientific, industrial or such like purposes, e.g., for medicinal preparations, culinary uses, aerated waters and other flavouring essences, extracts and colourings and perfumes and toilet preparations. Licences were granted for the tapping of trees for the drawing of sweet toddy for use as a beverage or for the manufacture of jaggery. The Act did not affect the operation of the Opium Act of 1878 or the Dangerous Drugs Act of 1930. All the same, the opium shops were closed and addicts to the drug were required to take out licences from a Tahsildar or a Deputy Tahsildar for the possession of opium for personal consumption; and opium was issued from taluk offices only to addicts who had such licences.

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[1] *See* Madras Act VII of 1938; also
G.O. No. 256, Legal, dated 14th November 1938.
G.O. No. 303, Legal, dated 20th December 1938

[2] G.O. No. 148, Legal, dated 10th August 1938.
G.O. No. 201, Legal, dated 3rd September 1938.
G.O.No. 2404, Revenue, dated 13th September 1938.
*See* also Madras Act X of 1938.

No opium was issued to any person under twenty years of age and ganja and bhang were altogether prohibited [1].

**Some Special measures.**

This was not all. In order to minimise the scope for supply of liquor from adjacent areas some special measures were undertaken. The number of trees to be marked for the toddy shops in the adjacent area of 10 miles were restricted to the average number marked in the previous five years. The supply of arrack to the shops in the above area was restricted to the average quantity taken in the previous five years. Possession by any person, except under a licence or permit, of any quantity of arrack or toddy outside the licensed premises of arrack and toddy shops in the same area was prohibited [2]. Transport of liquor from one district to another through the Salem district in motor buses was also prohibited. A special watch was kept over motor buses plying between towns in the Salem district and beyond to detect the transport of contraband liquor, etc. Steps were also taken to prevent buses from carrying people from the Salem district to liquor shops outside the district [3].

**Enforcement entrusted to Police.**

The Excise staff, which it was apprehended might not fully co-operate with the new scheme, was withdrawn from the district and absorbed in other districts and the enforcement of the Act was entrusted to the ordinary police staff, in addition to their normal duties. The Police staff was, however, strengthened. Such of the members of the Police force as were known to be addicted to drink habit were transferred out of the district and only those among them who gave an assurance not to indulge in drink were retained. Non-addicts were ear-marked for special prohibition work. The Board of Revenue was placed in charge of the control of the administration of the provisions of the Act and the entire Prohibition staff of the district was placed in charge of the Collector and District Magistrate. A Prohibition Officer, who was formerly an Assistant Commissioner of Excise, was appointed to assist the police in the preventive work. A District Intelligence Bureau of Prohibition was formed. Officers of the Forest Department were empowered to detect prohibition offences committed in forest areas. Village Officers were specially required to assist the police and all officers of all Departments were asked to co-operate with the police in enforcing the

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[1] G.O. No. 2704, Revenue, dated 18th October 1938—*See* pages 18–19.
G.O. No. 1905, Revenue (Confidential), dated 18th September 1937.
G.O. No. 1942, Revenue, dated 25th September 1937.
G.O. No. 2047, Revenue, dated 7th October 1937.
G.O. No. 2564, Revenue, dated 9th December 1937.
G.O. No. 2557, Revenue, dated 9th December 1937.
G.O. No. 2107, Revenue, dated 15th October 1937.

[2] G.O. No. 2107, Revenue, dated 15th October 1937 page 22.

[3] G.O. No. 1905, Revenue (Confidential), dated 18th September 1937.
G.O. No. 1855, Revenue, dated 13th September 1937.

provisions of the Act. In order to enlist public co-operation in favour of prohibition, Taluk Prohibition Committees and Village Prohibition Committees were constituted. They were asked to keep watch on places where the breaches of the Act might take place and on persons who might commit such breaches, to give information to the police whenever any offences were committed or were likely to be committed, to report every month to the Collector regarding the working of the Act with their suggestions, if any, to organize amusements and counter-attractions to drink and to encourage thrift. The Taluk Committees were required to maintain a close touch with the Village Committees. Besides these official and non-official agencies, the Congress organizations and Temperance bodies throughout the district whole-heartedly lent their support to the great experiment[1]. **Taluk and Village Prohibition Committees.**

It was, however, realized from the very beginning that mere enforcement was not enough. It was realized that what was necessary to effect a real reform was to carry on steadily an intensive but unobtrusive propaganda against drink and, at the same time, to do whatever was possible, to provide counter-attractions and to encourage Rural Uplift Work. The ex-addicts must be provided with amusements, games, sports, tea and coffee and taught to increase their incomes, to clear off their debts, to save money and generally to raise their standard of living. For all these purposes a Special Development Officer of the status of a Deputy Registrar of Co-operative Societies was appointed to function as the Personal Assistant to the Collector and he was assisted by two Assistant Development Officers, one for the office and another for the field. Each taluk was provided with a Physical Instructor, later known as Rural Recreation Officer and still later called as Rural Welfare Officer. Each taluk was also provided with a Village or Rural Guide. Every Revenue Division was provided with a Ballad Singer. The Rural Recreation Officer, who was the chief officer of the rural set up, would, with the help of the Village Guide, visit village after village, get into touch with the young me nthere, organize sportsclubs, teach them village games like chedugudu and periodically (every month) hold taluk tournaments in those games. These tournaments were invariably gala days; they attracted not only the people of the locality but also the people of the villages which sent up their teams. And, what was more, they gave an opportunity to the recreation officers and others to address the crowds assembled on the benefits of prohibition and other welfare schemes initiated by the Government. It is said that activities of this kind kept the whole district "agog with **Ameliorative measures.** **Amusements and games.** **Propaganda.**

[1] G.O. No. 2704, Revenue, dated 18th October 1938—*See* pages 18–20 of the report.

enthusiasm" and showed the people "that the grog shop was not the only place where enjoyment could be found [1].

**Rural Uplift Schools.**

In order to promote rural uplift in general and to supply recruits for the posts of Rural Guides, Rural Uplift Schools were organized once a quarter in each Revenue Division by rotation. Students were recruited for these schools from families of influence and given a month's training in several subjects like agriculture, public health, veterinary matters and village panchayats. The District Officers administering those subjects would address the students every day, tell them all essential things relating to rural uplift and show them how this knowledge could be communicated by them to the villagers. Towards the end of the course, a rural exhibition would be held in which all departments would participate and display exhibits of agricultural products, cottage industrial goods, etc., to the people. The last day of the Rural Uplift School would generally be a glorious day on which a big tournament would be held under the presidency of a Minister or other distinguished person. On occasions like this which attracted thousands, including a large number of ex-addicts, speeches would be delivered explaining the object of prohibition and stressing the need for rural development [2].

**Other counter-attractions.**

Village life was also brightened up by opening public reading rooms and public parks, by installing radios in the parks, by providing music as well as instruction through publicity vans, by setting up temporary as well as permanent cinema houses, by encouraging community singing in which the Ballad Singer took the lead, and by organizing a series of entertainments like bhajana parties, street dramas, kathakalakshepams and folk dances. For entertainments like this, local talent, where available, was mobilized and the services of students, school masters, village officers, influential gentlemen, members of the parents' associations, of the temperance societies and of the prohibition committees, were utilized. Besides these counter-attractions, tea and coffee were provided in many places for some time free and later on at a cheap rate by the Tea Market Expansion Board and the Coffee Cess Committee. And the cultivation of the habit of drinking coffee and tea instead of liquor very soon increased the number of the tea and coffee shops in the district [3].

**Jaggery making, milk supply and land colonization societies.**

Nor was this all. In order to provide employment to the ex-tappers who numbered about 14,000 in the district, co-operative societies for jaggery making, milk supply societies

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[1] G.O. No. 638, Home, dated 11th March 1955, pages 117-119.

[2] *Idem*, pages 119-120.

G.O. No. 2704, Revenue, dated 18th October 1938—*See* page 21.
[3] G.O. No. 2704, Revenue, dated 18th October 1938—*See* page 21.
G.O. No. 2597, Revenue, dated 6th October 1939—*See* page 22 of the report.

and land colonization societies were formed. Some of the ex-tappers got absorbed in these societies, others took to cultivation which was also their former side occupation, while some others emigrated to Malaya to work as labourers in the plantations. Evidence shows that within a few years the problem of unemployment among the toddy tappers was solved without causing much concern to the Government. For the benefit of ex-tappers as well as others, the co-opeartive movement in the whole district was given a fillip which it had never before experienced. All sorts of co-operative societies were encouraged and of these the most important were the thrift societies. That the money formerly spent on drink and now saved, might not be frittered away but used for the economic betterment of the family, a vigorous savings campaign was started and conducted through rural co-operative credit societies, urban banks and thrift societies. Hundreds of hundi boxes were distributed for collecting savings and putting them in these banks and societies[1].

**Thrift Societies.**

Such in brief were the measures adopted in Salem, to make prohibition a success. But success in reform like this depends not so much upon the measures as upon the men who work them. And of the men who worked in Salem, none showed a greater energy and a greater enthusiasm than Mr. A. F. W. Dixon, the Collector and District Magistrate. Inspired by the ideals of the Premier and imbued with a profound belief in prohibition, he exhibited a zeal and capacity perhaps unequalled by any in the annals of prohibition in our State. This is abundantly borne out by the periodical reports which he submitted to the Government[2]. He created an enthusiasm everywhere both in official and non-official circles and, above all, maintained it throughout, now driving, now guiding but always inspiring every one with hope and confidence.

**Mr. Dixon's enthusiasm.**

The result was as might be imagined. For a couple of years, prohibition succeeded in Salem, beyond the expectations of the Government. Thus, during the first year of its working in the district only 1,335 cases of offences against the Act were brought to light and of these only 110 related to illicit distillation as against 265 cases in the previous (pre-prohibition) year and 170 cases related to illicit tapping as against 470 cases in the previous year. And, there were only 70 cases of smuggling. Most of the offences related to illicit possession of ganja. The ganja habit was more difficult to break than the liquor habit; ganja possession was more difficult to detect as the drug could be easily concealed; and ganja

**Immediate results.**

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[1] G.O. No. 2704, Revenue, dated 18th October 1938—*See* page 20. G.O. No. 2404, Revenue, dated 13th September 1938—*See* page 21.

[2] The references are too many, but *See* G.O. No. 2079, Revenue, dated 19th August 1938 and G.O. No. 2846, Revenue, dated 3rd November 1938.

smuggling was found most difficult to control without the effective co-operation of the Mysore Government. But for this illicit possession of ganja, the picture seemed bright and the ordinary crimes in the district also showed a substantial reduction[1].

Improvement in social and economic conditions.

Apart from this, the general economic and social conditions showed a considerable improvement in the district. Some of the employers of labour like the Managing Director of the Rajendra Mills, Salem, and the Director of the Magnesite Syndicate, Salem, reported that formerly about 60 to 70 per cent of their workers resorted to drink with the result that their attendance was irregular and poor and their work was bad. The workers also frequently quarrelled, broke machines, roughly handled the maistries and supervisors, smoked ganja beedies, idled about or left work frequently to satisfy their craving for drink, came dirtily or insufficiently clothed and, above all, made it impossible to arrange two regular shifts. This position, they said, had now completely changed. The workers' absenteeism had disappeared, their quality of work and discipline had distinctly become better, their earnings had increased and their dress and health had vastly improved [2]. After endorsing these views of the labour employers, Mr. Dixon stated his own view that prohibition had generally improved the standard of living, reduced indebtedness and resulted socially "in better home life, a better outlook on life and a steadier and more stable character". There had been, he said "a marked improvement which is specially noticeable among the poverty-stricken classes which stood most in need of help and of reformation [3]". And the Board of Revenue reported that prohibition had proved a real blessing to the large class of the population living on the border line of want. Many of those persons, though earning just enough to provide for their bare necessaries of life for their families, had been unable previously to resist the temptation to forget their worries in the drink shop, even at the expense of their health and the happiness of their wives and children. And now they had no such temptations to lure them on to their ruin. Women of the district, with hardly a dissentient voice, had hailed the coming of prohibition with joy; and its most noticeable effects had been absence of street brawls and family quarrels, improvement in the food supply especially at the evening meal, increased care for cleanliness and children's welfare, reduction in indebtedness and generally a more hopeful outlook on life. The villagers, the Board said, had now become quite accustomed to the new order of things.

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[1] G.O. No. 2846, Revenue, dated 3rd November 1938, pages 6–7 of the report.

[2] *Idem*, pages 19–22 of the report.

[3] *Idem* pages 22–23 of the report.

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The number of people who now consumed liquor were negligible, and though illicit drugs were still smuggled, steps were being taken to reduce their smuggling in future [1].

Two special investigations conducted at this time in the district, one by the Madras University and the other by the Annamalai University, the former under the direction of Professor P. J. Thomas and the latter under the direction of Professor B. V. Narayanaswami Nayudu, likewise revealed an all-round improvement effected by prohibition. Professor Thomas's report wound up thus. The drink bill of the district, which had formerly been paid by not less than 200,000 persons and which had caused much misery among as many families, had now disappeared. The capacity for work, except among some hard drinkers, had now been fairly maintained, and, in some cases, even increased. The efficiency of labour among mill workers, especially in Salem town, had been distinctly improved. They had also begun to spend more on clothes and food like tea, coffee, vegetables, curds, ghee, oils and meat. They had begun to take a real interest in amusements such as cinemas, games and sports. They had also begun to borrow less, to effect savings and, out of those savings, to pay off their debts and to purchase ornaments and useful utensils. There had not been any serious unemployment among those formerly employed in the liquor trade. There had been a substantial improvement in the position, particularly of women and children [2]. Professor Narayanaswami's report gave even a more heartening picture. Prohibition, it said, had been a substantial boon to the people. It had increased the purchasing power of the ex-addicts, enabled them to clear off their debts and increase their expenditure on food and clothing. It had enabled the weavers to improve their standard of living and capacity for organization. It had contributed to a "phenominal improvement in the moral and social life" of the people in general. It had brought happiness to women, banished quarrels from homes and drunken brawls from streets, decreased crimes and done much to produce social harmony. It had not in the least reduced the stamina and output of the labourers; on the other hand, it had increased them. It had become popular with nearly 80 to 90 per cent of the ex-addicts and left hardly any unemployment in its trail. It had indeed benefited everybody and for all these reasons, whichever party might come to power, it should be retained [3].

**Professor Thomas's report.**

**Professor Narayanaswami's report.**

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[1] G.O. No. 2704, Revenue, dated 18th October 1938—*See* pages 21-22 of the report.

*See* also report in G.O. No. 2079, Revenue, dated 9th August 1938.

[2] The Economic Results of Prohibition in the Salem District (October 1937—September 1938) by P. J. Thomas. 1939—*See* especially pages 40-41.

[3] Report on the working of Prohibition in the Salem district by C. Jagannathachari, edited by B.V. Narayanaswami Nayudu, 1939, pages 84-88.



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Considerations of finance.

There was thus nothing to prevent the Government from extending prohibition to the other districts, except considerations of finance. And the considerations of finance were speedily met by the Premier in a masterly manner. He considered a series of general taxes such as a sales tax, an entertainment tax, a tax on motor spirits, a tobacco tax, a tax on lotteries, a capitation tax, a registration fee on marriages and an increase in education cess as well as some special taxes, which might be made applicable to prohibition areas, such as an increase in land cess, a licence fee on tea and coffee shops, a toll-gate fee, a cess on broadcasting stations and a levy of fees from patients attending hospitals and dispensaries [1] and ultimately imposed only the first four taxes now known as the Commercial Taxes [2]. Of these taxes tobacco tax was repealed in 1944 [3] on account of the levy of a Central Excise duty by the Government of India; but a lump sum compensation has been given by that Government since then to our Government for the loss of the State revenue. This is not the place to describe the Commercial Taxes, but we must note here that but for these taxes prohibition would have either languished or landed our State in serious financial difficulties. They were all introduced in 1939 and they solved not only the immediate but also the future problems. It is these taxes that made good the revenues lost by the gradual introduction of prohibition. It is these taxes that made good nearly 16 crores of rupees [4] lost by the introduction of prohibition into our entire State in 1948. And it is these taxes that even today constitute the mainstay of the revenues of our State.

Imposition of Commercial Taxes.

Prohibition extended to Chittoor, Cuddapah and North Arcot.

Meanwhile prohibition was introduced into the Chittoor and Cuddapah districts from 1st October 1938 and in the North Arcot district from 1st October 1939. This was done by extending the Prohibition Act of 1937 and all the measures relating thereto, such as exemptions, permits, belt areas, and taluk and village prohibition committees, to these districts. It is not necessary to describe these measures here as they have already been described fully while dealing with the introduction of prohibition in Salem. The enforcement in these districts was, as in Salem, entrusted to the general police, the strength of the police force being augmented where

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[1] G.O. No. 1174, Revenue, dated 5th May 1938.
G.O. No. 1950, Revenue, dated 3rd August 1938.

[2] G.O. No. 1445, Revenue (Confidential), dated 12th June 1939.
G.O. No. 73, Legal, dated 28th February 1939.
G.O. No. 584, Revenue, dated 6th March 1939.
G.O. No. 74, Legal, dated 3rd March 1939.
G.O. No. 46, Legal, dated 6th February 1939.
G.O. No. 107, Legal, dated 20th March 1939.
G.O No. 1250, Revenue, dated 22nd May 1939.

[3] Madras in 1944, page 3.

[4] In 1949-50 they amounted to 18 crores.

necessary. No Special Development Officer was appointed for these districts in the beginning, the organizing of ameliorative work being entrusted to the respective Deputy Registrars of Co-operative Societies. In 1940, however, two Special Development Officers were appointed, one for the Chittoor and Cuddapah districts together and the other for the North Arcot district. Ameliorative measures similar to those adopted in Salem were also adopted in these districts. Co-operative Societies of various types, including those for manufacturing jaggery from sweet juice, were formed; games and sports were organized; tournaments and exhibitions were held; bhajanas, dramas, kalakshepams, etc., were arranged; the consumption of coffee and tea was encouraged; rural uplift schools were opened; radio sets were installed; publicity vans were employed; and the thrift movement was given a considerable fillip. The results showed in these districts, as in Salem, a marked improvement in the social and economic condition in rural areas. Until prohibition was actually suspended, every one reported that the money which formerly found its way to liquor shops was now usefully spent on better food and better clothing, that what was left over was utilized to liquidate previous liabilities or spent on jewels or invested in thrift societies, that there was now more harmony in family life, and that in fine, prohibition was considered a great blessing by all, especially by the women [1].

Illicit distillation and illicit tapping.

All the same, some disagreeable features of prohibition now began to make their appearance. Illicit distillation and illicit tapping slowly began to raise their heads. These were to be partly attributed to the gradual waning of public enthusiasm but largely to the sudden waxing of incomes of the working classes caused by the Second World War. Under these circumstances the future for prohibition became dark; and it was made more dark by the resignation of the Congress Ministry and the accession of the Adviser Government to power in October 1939. The new Government tolerated prohibition for a time but very soon scrapped it altogether.

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[1] G.O. No. 3214, Revenue, dated 17th December 1938.
B.P. No. 192, Excise, dated 2nd July 1939,
G.O. No. 1331, Revenue, dated 30th May 1939.
G.O. No. 3116, Revenue, dated 23rd November 1939.
G.O. No. 3261, Revenue (Confidential), dated 5th December 1939.
G.O. No. 261, Revenue (Confidential), dated 15th March 1941.
G.O. No. 2641, Revenue, dated 17th November 1941.
G.O. No. 1018, Revenue, dated 5th January 1943.
G.O. No. 2597, Revenue, dated 6th October 1939.
G.O. No. 2531, Revenue, dated 21st October 1940.
G.O. No. 2344, Revenue, dated 16th October 1941.
G.O. No. 2841, Revenue, dated 28th December 1942.
G.O. No. 2746, Revenue, dated 20th October 1943.
G.O. No. 2142, Revenue, dated 30th October 1944.

This is how it happened. Even when the Congress Government were in power and when they ordered the extension of prohibition to North Arcot, the position as regards prohibition crimes in Salem, Chittoor and Cuddapah began to have some signs of deterioration. In Cuddapah and Chittoor, illicit distillation slowly increased. In Salem, licences for tapping sweet coconut toddy were misused, fermented toddy being tapped on a considerable scale. Sweet juice from other palms was, however, not misused. The Government at once prohibited tapping for sweet coconut toddy in Salem [1] and took the precaution of issuing sweet toddy licences only to co-operative societies for making jaggery in the other prohibition districts. They also tightened up the sweet toddy rules [2]. Thus illicit tapping for fermented toddy was somewhat restrained. But they could do nothing to control illicit distillation of arrack, except to strengthen the preventive establishments.

Adviser regime.

Then came the Adviser Government and under their regime, the War brought in more money to all sorts of workers and labourers and therefore more temptation to indulge in drinking. As a consequence of this, illicit distillation steadily increased in all the four prohibition districts. Mr. Austin, the Commissioner of Excise, after a tour of the Salem district in June 1940, reported thus. Speaking generally, ganja smuggling had been checked and opium offences had become few, but illicit distillation had gone on increasing and could never be stopped, and toddy offences had again raised their head and were bound to continue as long as tapping for sweet toddy juice was permitted. There was good co-operation between the different departments, but little co-operation from the public. Public enthusiasm for prohibition had begun to wane perceptibly from the moment the Congress Ministry had resigned. The Taluk and Village Prohibition Committees were taking hardly any interest or rendering any assistance to the officials. Mr. Priestley, the successor of Mr. Austin, toured through the Chittoor, Cuddapah and North Arcot districts in September 1940 and painted even a more sombre picture. In Chittoor illicit distillation was spreading particularly among the Sugalis and the Boyas. In Cuddapah, where even in the pre-prohibition days illicit distillation was prevalent, that crime was now becoming rampant, especially in Jammalamadugu, Proddatur, Pulivendla and Badvel. In North Arcot, especially in industrial areas, illicit distillation was done on an extensive scale: it was rife in Arkonam, in and around Gudiyatham and Jalarpet and in the border villages of the Chingleput district. And, in all these districts, as well as in Salem, large quantities of ganja were moving about, possibly because of the

Mr. Austin's report.

Mr. Priestley's report.

[1] G.O. No. 3137, Revenue, dated 8th December 1938.
[2] G.O. No. 368, Revenue, dated 10th December 1939.

existence of some secret organization. Public co-operation had completely disappeared. Prohibition, therefore, should not be extended to any of the other districts [1].

This showed in what direction the wind was blowing. The authorities were not in favour of prohibition and the Government only wanted to give it a trial for some more time. In the meanwhile they took some steps to control possession of ganja and illicit distillation. In a judgment delivered in March 1941, the High Court ruled that the provisions of the Prohibition Act of 1937, so far as they related to dangerous drugs, were void as that Act had not been reserved for the consideration of the Governor-General. The result of this decision was that possession of ganja up to three tolas became permissible in all the prohibition districts. The Government then got a Bill prepared to set right this defect, got it approved by the Governor-General and passed it as Act XI of 1941. This Act extended the provisions of the Prohibition Act of 1937 to every intoxicating drug as therein defined, although such drug might also be a dangerous drug [2]. As regards illicit distillation, the Government directed that the district authorities should conduct special drives and organize the preventive force mainly for suppressing that crime, and that there should be a closer union between the Prohibition Police and the Excise Departments of districts adjoining dry areas. They also passed Act XXX of 1942 for enhancing the maximum penalty which had been fixed in sections 4 and 5 of the Prohibition Act of 1937 as imprisonment for six months or fine up to 1,000 rupees or both, to imprisonment for two years or fine up to Rs. 5,000 or both, in the case of illicit distillation and kindred offences [3].

Act XI of 1941.

Act XXX of 1942.

Another step which the Government took was necessitated by War conditions. They passed Act XXXV of 1942 in order to exempt the troops stationed in, or passing through, prohibition districts and medical and other staffs attached to them from the scope of the Prohibition Act of 1937, with the exception of section 6 of that Act which prohibited the display of advertisements of liquors and intoxicating drugs. Canteen-keepers duly empowered to supply liquor and intoxicating drugs to troops and their staff and persons supplying or carrying such articles to canteen-keepers, troops, etc., were similarly exempted from the scope of the main Act. In consequence of these exemptions the provisions of the Madras Abkari Act of 1886 and of the Dangerous Drugs Act

Act XXXV of 1942.

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[1] G.O. No. 2768, Revenue (Confidential), dated 12th November 1940.

[2] G.O. No. 2344, Revenue, dated 16th October 1941—*See* page 22 of the report.
G.O. No. 69, Legal, dated 23rd April 1941.

[3] G.O. No. 160, Legal, dated 14th August 1942.

of 1930 were made applicable to the troops and their staff, etc [1] This Act was to be in force during the war and for a period of six months after the war.

**Suspension of prohibition.**

All this time the War rolled on and demanded almost all the attention of almost all the officers from top to bottom. Prohibition naturally suffered thereby and in November 1943, the Government, seeing no hope in its continuance but every hope in its discontinuance, enacted Act XXII of 1943 suspending the operation of the Prohibition Act of 1937, except its sections 1, 3 and 6 in all the four prohibition districts [1]. Toddy and ganja shops were opened in these districts from 1st January 1944; opium shops were opened from 1st April 1944; and the arrack shops were opened from 1st October 1945. The delay in the opening of the arrack shops was caused mainly by the need to make proper arrangements for the supply of liquor through the distillers. Thus from 1st October 1945 prohibition vanished from our State.

**Arguments adduced for suspension.**

The Adviser Government adduced several arguments in support of the suspension of prohibition. There had been little public co-operation. The Taluk and Village Prohibition Committees had become apathetic. Prohibition law had been broken with impunity and this had engendered a general disregard for law and order. Many persons had resorted to surreptitious indulgence in excessive doses of alcohol. Prohibition crime, especially illicit distillation and illicit tapping, had shown a rapid increase. The enhanced punishment for illicit distillation and kindred offences imposed by Act XXX of 1942 had produced no effect. Nor had the increase in the price of jaggery produced any effect on the conversion of sweet toddy into fermented toddy. The reason for this was obvious; the upper middle classes and the middle classes could afford to pay the higher prices for illicit liquor. It was necessary to secure for the Government by taxation the large profits now made by the numerous dealers in illicit liquor and this would contribute in some measure to combat the prevailing inflation. It was equally necessary, in view of the food shortage, to supply licit toddy, which in its fresh state had a distinct food value, to the labouring classes [3].

**Unsoundness of the arguments.**

Whether these arguments could be said to be convincing is a different matter. It will be seen that the main argument used by the Adviser Government was the growth of liquor crime and its consequences. Any one who compares the statistics of this crime in 1943 in the four districts with

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1 G.O. No. 1, Legal, dated 4th January 1943.
2 G.O. No. 60, Legal, dated 15th November 1943.
3 G.O. No. 2924, Revenue, dated 18th November 1943.
G.O. No. 866, Revenue, dated 27th April 1944.
G.O. No. 98, Revenue, dated 16th January 1945.
G.O. No. 319, Revenue, dated 15th December 1945.
G.O. No. 1398, Revenue, dated 29th June 1946, pages 19–20.

the statistics of this crime in the same districts, say in 1953, before the formation of the Andhra State, or with the statistics of the same crime in the two Madras districts to-day, will see at once that the incidence of this crime in 1953 was greater than in 1943, and in 1956, much greater than in 1953. The following tables [1] make the position perfectly clear :—

ILLICIT DISTILLATION AND KINDRED OFFENCES.

| District. | 1942–43. | 1952–53. | 1955–56. |
|---|---|---|---|
| Salem .. .. .. | 2,599 | 5,480 | 6,644 |
| North Arcot .. .. | 2,156 | 3,670 | 4,952 |
| Total .. | 4,755 | 9,150 | 11,596 |
| Chittoor .. .. | 772 | 2,697 | |
| Cuddapah .. .. | 835 | 3,471 | |
| Grand total .. | 6,362 | 15,318 | |

ILLICIT TAPPING, ETC.

| District. | 1942–43. | 1952–53. | 1955–56. |
|---|---|---|---|
| Salem .. .. .. | 413 | 919 | 1,375 |
| North Arcot .. .. | 47 | 573 | 503 |
| Total .. | 460 | 1,492 | 1,878 |
| Chittoor .. .. | 4 | 1,027 | |
| Cuddapah .. .. | 11 | 40 | |
| Grand total .. | 475 | 2,559 | |

If, therefore, the growth of liquor crime alone is to be considered as a decisive factor, prohibition has much less justification today than it had in 1943. And yet, it is continued today, whereas it was discontinued in 1943. The truth is, the Adviser Government scrapped prohibition because they were too much pre-occupied with the War to bestow sufficient attention upon it. And what little attention they bestowed, they bestowed on its seamy side. Indeed, they looked mainly at the dark side of prohibition, at its statistics of crime, whereas the National Government now look at its bright side, at the social and economic benefits that it largely confers on the people. However, we shall, as we go on, see that its dark side is by no means neglected and that attempts have been and are being made to make it brighter.

**The National Government and the extension of prohibition to the whole State.**

The suspension of prohibition, however, proved to be of brief duration. In the General Elections held in March 1946 the Congress Party secured an overwhelming majority and in April formed a National Government. The conditions were now by no means similar to those in 1937. In

[1] Figures taken from the Administration Reports of the Excise Department.

1937 there were no surplus funds; in 1946 there were 30 crores of surplus funds. In 1937 there were no Commercial Taxes; in 1946 there were the Commercial Taxes which brought in 7·28 crores of rupees. In 1937, on the other hand, the excise revenue of the whole State amounted only to 4 crores of rupees; in 1946 it amounted to 16·8 crores of rupees. In 1937 there was no inflation; in 1946 there was a great deal of inflation. In 1937 there was no food scarcity; in 1946 there was acute food scarcity. The problems that the Government had to face were more easy in some respects but more difficult in others. However, whatever their problems, they considered that prohibition could not wait and must be introduced at any cost in the whole State within a period of three years [1]. And they actually did this. They introduced prohibition in eight districts, Salem, Chittoor, Cuddapah, North Arcot [2], Ananthapur, Bellary, Kurnool and Coimbatore from 1st October 1946 [3], in eight districts, Tanjore, Tiruchirappalli, Madurai, the Nilgiris, Guntur, Nellore, Malabar and South Kanara from 1st October 1947 [4]; and in the remaining nine districts, Visakhapatnam, East Godavari, West Godavari, Krishna, Madras, Chingleput, South Arcot, Ramanathapuram and Tirunelveli from 2nd October 1948 [5]. They also introduced prohibition in Pudukkottai and Banganapalle (which were merged in our State) from 1st July and 2nd October 1948 respectively. Thus the entire State, save the Agency areas, became dry by the end of 1948.

**Measures taken for enforcement.**

From the dates specified above the Prohibition Act of 1937 and its amendments became applicable to the various districts. And the same procedure as had been previously adopted in regard to permits, exemptions, border areas and Taluk and Village Prohibition Committees [6] was now adopted in the prohibition districts. The enforcement of prohibition was, in Salem, Coimbatore, North Arcot, Chittoor, Tanjore, Tiruchirappalli, Guntur, Nellore and Madurai, entrusted to the Police and in the remaining districts to the former Excise Department. The Commissioner of Excise, or the Commissioner of Prohibition as he was called, was, as before, placed in general charge of the administration of the Prohibition Act, assisted by a Deputy Commissioner on the preventive side. The working of the Act in the districts in which the former Excise Department staff was employed, was placed in charge of a District Prohibition Officer; and in the districts

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[1] G.O. No. 1398, Revenue, dated 29th June 1946.
[2] *Idem.*
[3] G.O. No. 1776, Revenue, dated 16th August 1946.
[4] G.O. No. 721, Revenue, dated 24th March 1947.
[5] G.O. No. 887, Revenue, dated 19th April 1948.
G.O. No. 2303, Revenue, dated 24th September 1948.
[6] G.O. No. 2088, Revenue, dated 24th September 1948.

in which the Police staff was employed, was placed in charge of the District Superintendent of Police. The District Prohibition Officer was given the assistance of Deputy Prohibition Officers (in charge of circles), while the District Superintendent of Police was given the assistance of one or two Special Deputy Superintendents of Police (Prohibition). Both the District Prohibition Officer and the District Superintendent of Police were made to act as Personal Assistants to the Collector and District Magistrate. Thus, in every district, the Collector was made responsible generally for the working of prohibition [1].

**Discussion as to whether the Police or former Excise Department should be entrusted with enforcement.**

The decision to entrust the working of the Act in some districts to the Police and in others to the former Excise Department was arrived at because of various considerations. The task of introducing prohibition as rapidly as possible within the whole State was, in any case, far more difficult administratively than the task of introducing it in a few districts, as was attempted previously. If the task of enforcing prohibition were to be given to the Police it was bound to impose a great deal of strain upon them. They had already to deal with the food crisis and to maintain law and order under the difficult conditions created by the War. They would have, in addition, to tackle prohibition offences which were then rapidly increasing on account of the general increase in incomes and which were likely to become more difficult to control on account of the separation of the Judiciary from the Executive, a scheme then under consideration. With the existing Police staff swollen already in numbers and hard pressed to fulfil their onerous duties, the question of the use to be made of the Excise Department seemed to assume special importance. In 1937 with the prohibition starting in one district and extending gradually under normal conditions, it was possible to expand the Police force gradually by importing men from other districts to undertake the extra duties. That seemed impossible now and it seemed desirable from a practical point of view to make what use was possible of the officers and men of the Excise Department, trained as they were in dealing with excise offences and doomed otherwise to unemployment unless, as was likely, they could all be absorbed in other departments.

There were indeed three courses open to the Government. Enforcement could be entrusted (1) entirely to the Excise Department or (2) partly to the Police in some districts and partly to the Excise Department in others, or (3) wholly to the Police, by obtaining the additional staff required mainly

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[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 21–23.
G.O. No. 2839, Revenue, dated 27th September 1948.

from the Excise Department. The first course appeared the most natural solution. The Excise Department was trained to deal with offences connected with liquor and drugs and was well acquainted with excise crime and its detection. Though the morals and reputation of that department might not be considered high, the very fact that sufficient confidence was reposed in it to undertake the task of enforcing prohibition, might be expected to raise its morale and to place it on its mettle. On the other hand, the task was a formidable one which might prove to be beyond the powers of the Excise Department, which had not got generally so much authority or influence in the districts as the Police Department. Mere detection and raiding, however cleverly done, was not enough. It was not so much a question of dealing with the ordinary criminals as of interfering with the habits of a large section of the public, many of whom unfortunately considered drinking no crime at all. In order to secure success it was necessary to create a strong public feeling everywhere, alike in towns, and villages, against drinking and to have such a strong organization stretching down to the village headman as would instil fear into the minds of law breakers and create confidence among the people to give information. The Police and also the Revenue Department had the power, authority as well as the prestige to carry through a district-wide prohibition drive. If the Excise Department undertook the work, every effort would, of course, be made to secure the co-operation of the two security departments; but, hard-pressed as they were with other important duties, it was doubtful whether, with the main responsibility placed on the shoulders of the Excise Department, the help given by the security departments would really be substantial and effective. It had been suggested that the weakness of the Excise staff could be remedied by giving them sufficient training in Police work and promising them Police assistance during raids. It was, however, doubtful whether this alone would be enough to enable them to undertake the difficult task of changing the habits of a large section of population in every district.

The third course, though imposing a great strain on the Police and involving some danger to the quality of the force and its standard, seemed to promise the best chance for the successful working of prohibition. But then the administrative difficulties which the Police would have to face would be considerable. They were already below strength and they would have to absorb a large number of Excise men untrained in Police methods; and it would be necessary to train the latter in batches. Again, the rapid expansion of prohibition would impose a still further strain on the Police and it had to be considered whether, taking a long view, it was desirable to unedrmine the quality, integrity and efficiency of the force

by placing this great strain upon it. The effect of any marked decline in the quality of the Police was bound to have serious results.

That left only the second course. In the hope of not imposing too great a strain on either of the departments and in order to give the Excise Department an opportunity to prove its worth, the enforcement work might be entrusted in some districts to the Police and in others to the Excise Department. This arrangement had some advantages. It would provide employment to all or practically all personnel of the Excise Department which would otherwise be unemployed. It would also put the Department on its mettle and give it a chance of proving its worth. The only objections to this arrangement would be that it would mean division of control for the enforcement of prohibition and that it would leave the question of future policy undecided, since eventually the work would have to be entrusted to one department or the other. These objections, however, did not appear to be serious. Even where the Excise Department was entrusted with th work, the Police would render whatever co-operation was possible and the Collector would be in general charge of the prohibition drive.

It was only after considering the pros and cons of those three courses that the Government thought best, at any rate, temporarily to adopt the second. They decided that the whole question might be considered again after gaining some practical experience [1].

**Measures taken for amelioration.**

So much about the measures taken for the enforcement of prohibition. About the measures taken for amelioration, in each district were appointed, a Special Development Officer recruited from among the Deputy Registrars of Co-operative Societies; Assistant Development Officers recruited from among the Co-operative Sub-Registrars and Deputy Tahsildars; Rural Recreation Officers, one for every taluk; Village Guides, one for every taluk; and Ballad Singers, one for every Revenue Division. Supervision and control of ameliorative work were entrusted to the Revenue Department. The Special Development Officers acted as Personal Assistants to the Collectors. The Assistant Development Officers worked under the Revenue Divisional Officers. The general control of ameliorative work in the whole State was entrusted to the Commissioner of Excise (a Member of the Board of Revenue) and he was assisted by a Deputy Commissioner who was a Joint Registrar of Co-operative Societies. The reason why the ameliorative work was entrusted to the Revenue Department was that, with its large district-wide staff and the considerable

[1] G.O. No. 1778, Revenue, dated 17th August 1946.

influence which it commanded in the official as well as unofficial circles, it was deemed most competent to promote the organization and progress of such work in its wider setting which included also rural uplift work.

Ameliorative work was, as before, undertaken in various directions. The Special and Assistant Development Officers were required to promote rural recreation activities and to organize counter-attractions to drink with the aid of Rural Recreation Officers, Village Guides and Ballad Singers. They were also required to promote the formation of Grama Sanghams or Village Uplift Committees. They were likewise required to take steps for the provision of alternative employment to ex-tappers by forming co-operative societies. As a result of all this, much was done. Arrangements were made to provide ex-addicts substitute drinks such as tea, coffee, buttermilk, etc., with small Government subsidies in or near the places where toddy shops were formerly located. Rural sports, games, folk dances, harikathas, kalakshepams, etc., were organized everywhere to divert the minds of the ex-addicts and to provide recreation facilities generally to the village folk. Rural Recreation Officer trained in games and rural uplift work in the Y.M.C.A. College of Physical Education and assisted by Village Guides, formed rural recreation clubs and taught new games and sports to the villagers. Ballad Singers provided entertainment to the people, taught them community songs and trained amateurs in street dramas wherever facilities existed. Propaganda Vans equipped with cinema outfit and gramophone records were pressed into the service. Community radio receiver sets were installed here and there, mainly by the local bodies and private authorities. Thrift was promoted among villagers, especially among the ex-addicts; thrift days were celebrated and the people were asked to invest their savings in co-operative societies or National Savings Certificates. Grama Sanghams were formed, in which the villagers were expected to take a prominent part in developing rural recreation as well as rural uplift activities. In some places they attended not only to amusements but also to sanitation, street cleaning and lighting, communications, agriculture, cattle-breeding, etc. Rural uplift schools were conducted from time to time in select centres for training young men in rural uplift work for a month. In these schools the officers of the several departments gave talks on various subjects and taught the pupils not only to become village guides but also to establish liaison between the village folk on the one hand and the departments of the Government on the other. In order to provide employment to the ex-tappers, co-operative societies for jaggery making were formed and the societies were allowed to tap sweet

juice from palmyra trees. So also were formed milk supply societies, land colonization societies and cottage industries societies wherever possible. In South Kanara and Malabar, where the unemployment problem among the ex-tappers was somewhat acute, tapping of sweet juice from coconut trees was permitted. By these methods, within a few years, unemployment among the ex-tappers was largely solved, several of them having joined these co-operative societies and the rest having taken to agriculture or migrated to the other States [1].

Other measures.

These were not the only matters that claimed the attention of the Government. Some other matters too demanded their attention. In the first place, it was found that persons living in dry areas often went to the adjoining wet areas to get their drink and returned in an intoxicated state. It was found that such persons could not be prosecuted either under the Prohibition Act of 1937 or under section 3 (12) of the Towns Nuisances Act of 1889 (Act III of 1889) or under section 510 of the Indian Penal Code. Section 3 (12) of the Towns Nuisances Act applied only to a person found drunk and incapable of taking care of himself in a public place, while section 510 of the Penal Code provided only for the punishment of a person who, in a state of intoxication, appeared in a public place or trespassed in any other place and there conducted himself in such a manner as to cause annoyance to others. The Prohibition Act was therefore amended by Act XXI of 1947 so as to make persons found in a state of intoxication in any public place and persons other than those permitted to consume any liquor or intoxicating drug found in a state of intoxication in any private place, punishable with imprisonment which might extend to six months or with fine which might extend to 1,000 rupees or with both [2].

Act XXI of 1947.

Secondly, there was a Government store-house at Vetapalam in the Guntur district where ganja and bhang were stored and issued to licensed vendors in non-prohibition districts and to persons outside the State. When prohibition was extended to the Guntur district on 1st October 1947 the storage and issue of the drugs from the store-house for other than *bona fide* medicinal, scientific, industrial or such like purposes did not become permissible under the Prohibition

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[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 50–54.
G.O. No. 2836, Revenue, dated 26th November 1948.
G.O. No. 2923, Revenue, dated 8th December 1948.

[2] G.O. No. 127, Legal, dated 20th October 1947.
G.O. No. 146, Legal, dated 17th November 1947.
G.O. No. 2906, Revenue, dated 2nd December 1947.
G.O. No. 11, Legal, dated 8th January 1948.

Act from that date. As it was, however, intended to extend prohibition shortly to the whole State and after that was done as it was felt that there might not be any necessity to store and issue the drugs, it was not considered worth while shifting the store-house during the short period to a non-prohibition district. In order, therefore, to retain the store-house at Vetapalam, Act XXXIII of 1947 was passed. The Act was declared to be in force only for a temporary period; and it was provided that during this period the storage, export, transport and sale of intoxicating drugs from the store-house were to be governed not by the Prohibition Act but by the Abkari Act of 1886 and the Dangerous Drugs Act of 1930 and the rules, etc., issued under those Acts [1].

Act XXXIII of 1947.

Thirdly, section 17 (*b*) of the Prohibition Act of 1937 exempted from the provisions of that Act consignments of liquor or intoxicating drugs carried by a railway administration through or into any area in which the Act was in force. This section did not permit the transport of liquor or intoxicating drugs through or into any such area by road. Transport by road to the Banganapalle State had to be permitted from 2nd August 1947. It was, therefore, proposed to amend section 17 (*b*) so as to remove the limitation that transport should be permitted only if it took place by rail and to give retrospective effect to the amendment from 2nd August 1947. Further, during the War, troops had to be stationed in, or had to pass through, districts in which the Prohibition Act was in force. Those troops and the medical and other staff attached to them, as we have already seen, were freed from the restrictions imposed by the Act for the period of the War and six months thereafter by Act XXXV of 1942. Although that period had expired on 1st October 1946, and the Act had consequently ceased to be in force from that date, yet, in practice, the exemption had been regarded as continuing. It was, therefore, felt necessary to continue the exemption with retrospective effect from the above date. It was considered desirable that the exemption should terminate on 1st October 1948 unless it was found necessary to extend it for a further period. Again, there was no provision in the Prohibition Act for a person in a prohibition area stocking liquor and issuing it to persons holding permits or licences. Such a provision was found to be necessary in practice. All these objects were secured by passing Act XII of 1948 [2].

Act XII of 1948.

[1] G.O. No. 25, Legal, dated 26th January 1948.
G.O. No. 39, Legal, dated 6th February 1948.

[2] G.O. No. 91, Legal, dated 4th March 1948.
G.O. No. 131, Legal, dated 23rd July 1948.

Fourthly, the period of exemption to the members of armed forces provided for in the above Act (Act XII of 1948) having expired, the Government sought to extend the period by a notification. This procedure was, however, held invalid by the High Court and the Governor had, therefore, to promulgate Ordinance IX of 1949 to set right matters. In order to legalize this Ordinance, Act XXVI of 1949 was passed [1]. About the same time it was found that there was no provision in the Prohibition Act to grant licences for the issue of liquor to the members of the armed forces; and this provision was made by passing Act XLVI of 1949 [2].

Act XLV of 1949.

Fifthly, the Prohibition Act empowered the Government to exempt specified liquors from the provisions of the Act and also to issue licences for the manufacture, import, sale, etc., of any liquor or any intoxicating drug, if such liquor or drug was required by any person or any institution for *bona fide* medicinal, scientific, industrial or like purpose. It was deemed necessary to make specific provisions in the Act to empower the Government to levy an excise duty similar to that levied under section 17 of the Abkari Act in respect of such liquor and intoxicating drugs; and for this purpose Act XIX of 1948 was passed [3].

**Act XIX of 1948.**

**Border problems**

One other matter that claimed the attention of the Government was the border problem. Two high level conferences were held with the representatives of the States bordering on our State, one in 1947 and the other in 1949, for tackling the offences of smuggling and drunkenness. The then existing Cochin and Travancore States assured full co-operation in putting down offences on the borders and promised to introduce prohibition in their States by making gradually the areas adjoining our State dry, but they did not, in the meantime, agree to create a dry belt within their borders. The French Government at first showed some disposition to co-operate and introduced prohibition in Mahe and Karikal and in the three communes of Pondicherry and Yanam. But within a short time they withdrew prohibition from these areas and, as a result, smuggling increased particularly in South Arcot, Tanjore and Malabar. The Mysore Government co-operated in a large measure by themselves launching on a policy of prohibition and closing all abkari and opium shops in a five mile belt area adjoining the dry districts of our State. But the

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[1] G.O. No. 227, Legal, dated 14th December 1949.
[2] G.O. No. 45, Legal, dated 17th February 1950.
G.O. No. 22, Legal, dated 23rd January 1950.
G.O. No. 68, Legal, dated 25th February 1950.
[3] G.O. No. 193, Legal, dated 21st December 1948.
G.O. No. 71, Legal, dated 6th April 1949.

Hyderabad Government failed to co-operate in any manner. On all borders, however, systematic checks over vehicles coming into our State were conducted by the Prohibition staff[1].

## PART III—PROHIBITION—ITS WORKING AND RESULTS.

The stage is now set to review the working of prohibition in all its aspects and to recount the measures suggested as well as the measures taken to improve this working. Here was a reform capable of doing incalculable good to the people; but this very same reform, if it were not properly implemented, might also do a great deal of harm to them. It was, therefore, imperative to devise measures which would not only enhance the value of its benefits but also take away the sting of its evils. And this is what many, save those who have no faith in prohibition, have felt and this is what our Government have set about to do during the last ten years or so.

**The Gounder Committee.** Even before the whole State went dry, the Government appointed a Committee of non-officials to enquire into the working of prohibition in the eight districts of Chittoor, North Arcot, Salem, Coimbatore, Ananthapur, Bellary, Kurnool and Cuddapah[2]. This committee, appointed in August 1947 under the chairmanship of Sri K. A. Nachiappa Gounder, M.L.A., toured through all these districts, collected information on the spot and, in February 1948, submitted a comprehensive report to the Government. This report dealt with many aspects of prohibition and made a number of recommendations relating to both enforcement and amelioration. Before we deal with these recommendations, however, we may see what it had to say about the social and economic effects of prohibition.

**Its remarks on social and economic effects of prohibition.** This is what it said. There is hardly any doubt that the ex-addicts have raised their standard of living. Freed from the stigma of drink, they are now able to move freely with others and to establish wider social contacts. They have ceased to create domestic quarrels, secured domestic harmony and shown a greater sense of family responsibility and kinship. There are now no street brawls either and there is no

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[1] G.O. No. 106, Revenue, dated 20th January 1948.
G.O. No. 920, Revenue, dated 5th April 1949–*See* page 19 of the report.
G.O. No. 3185, Revenue, dated 15th December 1949–*See* pages 31–32.
G.O. No. 1263, Development, dated 22nd March 1951–*See* page 13 of the report.
G.O. No. 342, Revenue, dated 7th February 1951.
G.O. No. 2187, Development, dated 21st May 1952.

[2] G.O. No. 2007, Revenue dated 26th August 1947.

tendency to commit crimes. In fact, the incidence of crime under the Penal Code has shown a steady decrease in all the districts. There is, besides, ample evidence to show that the money formerly spent on drinks by the ex-addicts is now being spent by them on food, clothing, utensils or small jewels. Much of this money is also being saved by them or utilized for paying prior debts or for buying houses and lands. They have also now become more regular in their work, whether in the fields or in their various other avocations. All this has considerably improved their economic condition. "From all points of view, therefore", the committee said, "prohibition has conferred great advantages on society. The womenfolk who are the greatest beneficiaries of this social reform welcome prohibition with all zeal and profound thankfulness. A new era of hope and economic and social progress has dawned on the poorer classes of the community." The Government, therefore, should not hesitate to extend prohibition to the whole State[1].

Its main recommendations.

The main recommendations made by this committee were (1) that the enforcement of prohibition should be entrusted to the general police and the Prohibition Act amended in certain respects and (2) that the civic side of ameliorative work should be transferred to the village panchayats and the economic side of it to the Co-operative Department.

Recommendations regarding enforcement.

The Comittee stated as follows: The enforcement, partly entrusted to a separate section of the regular police called the "Prohibition Police" in some districts and to the Prohibition Officers of the former Excise Department in others, has not worked satisfactorily. It has not led to adequate coordination between the general police staff and the separate prohibition staff in the police prohibition districts. Nor has it led to any such co-ordination between the general police and the excise staff in the Excise prohibition districts. In fact, the general police seem to think that it is not their duty to assist either the special police staff or the excise staff in enforcing prohibition. It is also wrong to entrust the enforcement to officers of the Excise Department, who have had throughout a moral stigma attached to them. Again, in some places, people do not know whom to approach, whether the general police or prohibition staff, to give information about prohibition crimes. Further, it must be admitted that the general police have more authority, more influence and more resources. Enforcement work should, therefore, be transferred to the general police in all districts. If this is done, in certain districts a slight increase in the number of police stations might be necessary; this increase, however, should be made after taking into account the incidence of crime, the state of

[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 23–25.

communications, the general condition of the country, etc. The powers now vested in the higher officials, such as powers of administration, appointment, control and award of punishments, should be decentralized and given to the officials in the lower rank so as to secure effective and proper control over the staff and to ensure proper discipline among them. Suitable persons among the existing prohibition staff should be absorbed in the Police Department. The question of giving training to them for a short period so as to enable them to keep up their new duties should be considered. Officers who cannot be taken into the Police Department should be absorbed in other departments. The posts of the Deputy Commissioners of Excise and Prohibition and other officers and staff attached to them, which constitute the Excise Branch of the Board of Revenue, should in due course be abolished. The method of approach towards enforcement also calls for a thorough change. Emphasis should be laid on the prevention of prohibition offences; and towards this end constant vigilance, frequent visits to notorious centres of illicit distillation and intimate contact with the villagers and leading men by the officers and the staff are essential[1].

The staff in charge of the societies for the manufacture of jaggery as well as the enforcement staff should show vigilance and bring to book all those who carry on illicit tapping and all those who manufacture fermented toddy. The sale of jaggery in large quantities in centres notorious for the manufacture of illicit arrack should be carefully watched by the enforcement staff. Co-operation of the Mysore and Hyderabad Governments should be secured so as to prevent smuggling from those States. As it is easy to smuggle opium, ganja and bhang, cases can be easily foisted on innocent persons; detailed investigations should, therefore, be made before persons are charge-sheeted on those crimes. In regard to the issue of permits to the opium addicts the quantity of opium issued might be reduced annually by 20 per cent and the issue completely stopped after a period of five years, by which time the addicts would have prepared themselves for complete abstinence. Issue of permits for consumption of liquor to Indians (including Anglo-Indians, Parsis and Jews) and domiciled Europeans should be stopped at least in five years. The annual licence fee for such permits should be fixed at Rs. 200. Provision for the issue of brandy on the advice of doctors is liable to abuse and might tend to increase the drink habit among well-to-do classes under cover of medical advice. This practice should, therefore, be put an end to immediately. The supply of brandy to the medical practitioners should be stopped[2].

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[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 73–74.
[2] *Idem*, pages 74–75.

The success of prohibition depends not a little upon the mutual help and co-operation between the public and the officials. The officials should shake off their exclusiveness and take the public into confidence. The public, on the other hand, should shed their distrust of officials, work as partners in the enterprise and bring about a better co-ordination in the work. The prevailing method of constituting Prohibition Committees for villages and taluks is ineffective. Prohibition Committees, otherwise called Station-house Committees, should be constituted in each police area. The Revenue Divisional Officer should select persons to serve on the committees from trustworthy, fair-minded and influential residents known for their enthusiasm for prohibition. There should be a District Prohibition Committee consisting of the Collector, the District Superintendent of Police, the District Forest Officer, members of the Station-house Committees. The District Pro-
members of the Legislative Assembly and the Legislative Council representing the district, the Presidents of the District Boards and Co-operative Central Banks and some influential
The Bar Councils may be asked to see if the members of the
paganda Officer should be the Secretary of this Committee.
legal profession could be prevented from defending prohibition offenders. Village officers should be given sufficient protection against reprisals by rowdies against whom information may have been given by them to the enforcement staff. At the same time, they should be punished for any slackness in rendering assistance to the preventive staff and should be made responsible for reporting prohibition crimes committed on poramboke or Government waste lands. The Chief Conservator of Forests should be directed to impress on the District Forest Officers and their subordinates their duty in the matter of detection and prevention of prohibition offences and to warn them against severe disciplinary action for omission to carry out their obligations under the Prohibition Act. All officers of all departments should be asked to take a lively interest in prohibition work and to offer their full co-operation to the enforcement staff.[1]

**Amendments to Prohibition Act suggested.**

The punishments awarded for prohibition offences should act as a deterrent and should instil sufficient fear among the offenders. All prohibition offences, excepting drunkenness and possession of small quantities of liquor or drug, should be made non-bailable. Prohibition prisoners should be employed on work like irrigation projects; they should, however, be allotted the usual wages, and, such portion of their earnings as might be left over after meeting the cost of their maintenance, should be sent to their families. Prohibition offences

[1] Report of the Madras Prohibition Enquiry Committee 1948, pages 75–77.

should be tried generally by First-class Magistrates and so many of these magistrates, as may be needed, should be appointed so as to ensure a speedy disposal of cases. Insistence on obtaining medical certificates before launching prosecutions in cases of drunkenness is unworkable in rural areas. A panel of persons, not less than ten in each village known for their integrity, may be selected by the Revenue Divisional Officer and a statement of the symptoms of drunkenness, such as smell of liquor in the breath, redness of eyes, thickness of speech and use of abusive language, from any two persons from the panel should be considered as valid evidenec to prove the offence. Certain amendments to the Prohibition Act may be made with advantage. The punishments provided for in the Act in case of offences falling under section 4 (1) (*a*), (*c*), (*d*), (*e*) and (*j*) are rather lenient, these punishments may be enhanced to imprisonment for one year and a fine of Rs. 2,000. Drunkenness should be made an offence and punished under section 4-A of the Act. In order to protect innocent persons from "foisted cases", power to stop proceedings may be vested in the appropriate authorities. Magistrates may be empowered to take security bonds from habitual offenders and from those who attempt to commit or abet the commission of offences punishable under sections 4, 5 or 7 of the Act. Offenders with previous convictions may be awarded twice the punishment awarded on first conviction. Offences under the Act, save cases of consumption of liquor or possession of small quantities of liquor or drugs, should be made non-bailable. Collective fines may be imposed in places where the people combine together and render no assistance to detect prohibition crimes or suppress material evidence. Punitive police may be stationed in places where the people impede the progress of prohibition or enforcement work. Detention may be resorted to in the case of habitual offenders and abettors of prohibition crimes whenever it is considered necessary to remove them from the scene of action so as to make the task of enforcement easy. And finally, permits or licences granted to buses, ferry boats, jutkas and other public conveyances carrying drunken persons should be cancelled.[1]

**Recommendations regarding amelioration**

So far as amelioration is concerned, the scope of ameliorative work should be widened so as to bring within it not only the ex-tappers and ex-addicts but also the village community as a whole. There is no justification to continue the grama sanghams as they show little interest in their work

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[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 77–78.

G.O. No. 2887, Revenue, dated 2nd December 1948.

G.O. No. 235, Revenue, dated 31st January 1949.

and all the rural uplift work can best be entrusted to the village panchayats. In order to ensure effective ameliorative work in all its wider aspects, villages should be grouped into compact units and for each such unit a village panchayat under the Local Boards Act and a co-operative society under the Co-operative Societies Act should be organized, if they are not already there, to attend to the civic or economic needs of the units. The village co-operative societies should be made to provide to the villagers all facilities for their economic betterment, as also all facilities for enabling them to borrow money when they need and repay it when they can. They should also be made to provide godowns for the sale of produce and, in the compounds of these godowns, a village library and reading room, a radio, a playground and a park. These places would then become a community centre and promote not only the economic but also the social and cultural development of the people. Cottage industries among the agriculturists should be planned and organized systematically by the Rural Welfare Officers and Deputy Registrars in conjunction with the Deputy Director of Cottage Industries of the Industries Department. Instructors to promote such industries should be trained in proper centres. The co-operative societies for cottage industries should also arrange for the development of subsidiary industries such as milk supply, sheep farming, cattle breeding, etc. Schemes for thrift and savings should be pushed through more vigorously. More and more carpet weaving societies and societies for the manufacture of jaggery should be formed. As a rule, the tapping of palmyra, coconut and date trees for sweet juice in areas where the trees were formerly tapped for fermented toddy should be forbidden. Land colonization societies started for the benefit of ex-tappers should be run on ideal lines and subsidised by the Government; and they should be made not only to benefit the colonists but also to serve as models to the people in the vicinity. Rural housing should be given a prominence in all ameliorative work, and, as far as possible, every family should be provided with a house. State help in an ample measure should be given to such schemes in the shape of long-term loans, priority in the supply of building materials, etc. Some spade work should be done by the village panchayats and the official machinery for providing educational facilities to the villagers. Special ameliorative schemes should be organized for the reformation of special tribes such as the Sugalis, the Chenchus, the Lambadis and the Koyas[1].

Rural Welfare Officers on the grades of Co-operative Senior or Junior Inspectors should be appointed for each Revenue

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[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 78–80.

Division to start with and they should work under the Deputy Registrar. Separation of audit from the administrative work should be effected to release all the energies of the officers of the Co-operative Department to undertake ameliorative work. The Deputy Registrars when so relieved of audit work should be able to take up the development of multi-purpose activities in co-operative societies, including recreational activities. The Deputy Commissioner of Prohibition (Amelioration) who is working under the Commissioner of Excise and who is also a Joint Registrar of Co-operative Societies, may be transferred to the Co-operative Department and attached to the Registrar of Co-operative Societies. Suitable persons with a flair for propaganda and a zeal for prohibition should be selected from among a panel drawn up by the District Prohibition Committees for appointment as District Propaganda Officers. They may be in the grade of Deputy Tahsildars. A Ballad Singer may be attached to each Propaganda Officer. The production of attractive films showing the beneficial effects of prohibition may be encouraged. The District Prohibition Committees may be asked to select suitable persons for staging village dramas and performing kalakshepams. These performances should normally be paid for by the local people themselves, but the Collectors may be authorized to subsidise such performances, where necessary. Rural uplift schools should be started for giving training to Rural Guides for a period of three months. The Rural Guides should be selected from among persons with some stake and ostensible means of living and possessing at least a high school education and a real aptitude for rural uplift work. They should be given a reasonable stipend during the period of training and, on the completion of training, they should be made to serve as Rural Guides in an honorary capacity and to act as Secretaries of the multi-purpose co-operative societies. Those among them who do any outstanding work should be rewarded with prizes periodically. The Rural Welfare Officers should be asked to submit periodical reports about their work to the Deputy Registrar. Expenditure on tea shops, etc., incurred by the Government as an ameliorative measure, should be stopped. Rural communications should be improved. Electrical energy should be made available to agriculturists in rural areas. Every village should be provided with a public radio set with a view to educating the villagers and creating an enlightened public opinion.[1]

**Two sides of prohibition.** As we go on we shall see which of these recommendations of the Committee have been adopted and what changes have been made. It must, however, be stated that it is not these recommendations alone that have impelled the Government

[1] Report of the Madras Prohibition Enquiry Committee, 1948, pages 81-83.

to make changes. After the whole State went dry, prohibition began to show some grave symptoms; its crimes began to increase while public co-operation to put them down began to diminish. At the same time, some of its symptoms were found to be quite healthy; its moral, social and economic effects were found to be good. Two schools of physicians began to examine its condition; and while one school pronounced its case hopeless, the other pronounced its case, on the whole, sound. A Prohibition Enquiry Committee appointed by the Government of the new Andhra State early in 1954 saw no hope of its recovery. Another Prohibition Enquiry Committee appointed early in 1955 by the Planning Commission of the Government of India saw, on the other hand, every hope of its recovery. Every one began to prescribe remedies, some radical, some mild. Our Government therefore had to cautiously see which of these could be applied with advantage.

**Increase in prohibition crimes.**

A glance at the table[1] on the next page will show how the prohibition crimes have increased ever since the total prohibition has been introduced in our State.

1 Based on the Statements contained in the Administration Reports of the Excise Department.

| Prohibition offences. | Composite State. | | | | Madras State only. | | |
|---|---|---|---|---|---|---|---|
| | 1949–50 | 1950–51 | 1951–52 | 1952–53 | 1953–54 | 1954–55 | 1955–56 |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) |
| 1 Smuggling of liquor from other States | 902 | 1,266 | 1,249 | 1,012 | 667 | 578 | 413 |
| 2 Smuggling of liquor from district to district | 131 | 129 | 42 | 14 | 3 | 7 | 11 |
| 3 Illicit distillation of arrack | 13,453 | 12,872 | 16,690 | 22,877 | 14,058 | 14,732 | 15,162 |
| 4 Possession of illicitly distilled arrack | 16,341 | 20,053 | 22,885 | 40,745 | 21,882 | 24,324 | 31,860 |
| 5 Sale of illicitly distilled arrack | 91 | 75 | 52 | 97 | 18 | 27 | 52 |
| 6 Illicit tapping for fermented toddy | 2,085 | 5,276 | 6,446 | 9,564 | 4,226 | 5,579 | 4,819 |
| 7 Permitting sweet toddy to ferment | 192 | 255 | 348 | 629 | 553 | 793 | 646 |
| 8 Tapping of sweet toddy without licence | 665 | 720 | 1,961 | 1,913 | 3,664 | 2,187 | 1,556 |
| 9 Illicit transport of liquor | 21 | 13 | 14 | 9 | 3 | .. | 1 |
| 10 Unlicensed sale of liquor | 83 | 36 | 58 | 25 | 10 | 122 | 20 |
| 11 Possession of liquor without permit | 2,249 | 4,018 | 3,513 | 4,715 | 4,752 | 4,853 | 4,603 |
| 12 Illicit cultivation of hemp plant | 49 | 26 | 49 | 86 | 11 | 13 | 26 |
| 13 Smuggling of drugs from district to district | 11 | 22 | 23 | 2 | 7 | .. | .. |
| 14 Smuggling of drugs from other States | 147 | 118 | 87 | 59 | 12 | 7 | 5 |
| 15 Illicit transport of drugs | 6 | 1 | .. | .. | 1 | 1 | 1 |
| 16 Unlicensed sale of drugs | 14 | 4 | .. | 4 | 4 | .. | .. |
| 17 Unlicensed possession of drugs | 1,727 | 1,637 | 1,816 | 1,830 | 1,989 | 1,467 | 1,197 |
| 18 Miscellaneous | 28,237 | 37,130 | 47,565 | 51,295 | 27,772 | 40,708 | 64,924 |
| 19 Rendering denatured spirit | 85 | 100 | 158 | 466 | 309 | 179 | 127 |
| 20 Smuggling of opium | 33 | 27 | 30 | 18 | 10 | 7 | .. |
| 21 Illicit transport of opium | 2 | 10 | .. | 3 | .. | .. | .. |
| 22 Illicit possession of opium | 778 | 540 | 397 | 380 | 263 | 186 | 182 |
| 23 Illicit sale of opium | 7 | 13 | 5 | 6 | 9 | .. | .. |
| 24 Offences under Dangerous Drugs Act. | 341 | 256 | 170 | 130 | 114 | 97 | 110 |
| Grand total. | 67,650 | 84,597 | 109,558 | 135,879 | 79,737 | 95,867 | 125,715 |

During all these years our authorities have repeatedly pointed out a number of difficulties that have stood in the way of the successful enforcement of prohibition. They have again and again said as follows. Illicit distillation is the chief difficulty. In areas where the palm trees grow in abundance, the success of prohibition depends on the extent to which malpractices resorted to, in abuse of permission given for tapping such trees for sweet-toddy, are tackled. During the initial stages of prohibition there was not much illicit distillation. It has subsequently, however, gone on increasing because the demand for liquor has also gone on increasing. It has now begun to spread to new areas, and, above all, it has now been considered by some as a lucrative commercial business. Some of the influential people are investing capital, employing labour, manufacturing arrack and carrying on a regular trade. Distillation is taking place mostly in Government poramboke lands, hillocks, dense forests and river beds. The offenders are resorting to such places so that they can run away from the scene the moment they get scent of the arrival of the raiding party and, even if they are apprehenced, can disown the contraband and get themselves acquitted by the courts. Most of the liquor is intended for consumption in urban areas where it is in great demand among the manual labourers and workers employed in industrial concerns. The transport and sale of liquor is generally made by hirelings, some of whom are juveniles. These hirlings are adopting the most ingenious methods of transport through cycle tubes, vegetable baskets, milk cans, water-bottles, air pillows, etc. And, where large quantities of liquor have to be transported, they are using even motor cars. The stuff intended for sale is secreted in dust bins, sandpits, gutters, public latrines, etc. The addict knows these places of concealment and removes the liquor from such places after paying its price to the seller. The principal culprit, the man behind the business, never comes into the picture. He gives only directions to his hirelings and the latter, when caught, are defended by him in the courts by lawyers engaged by him. If the courts inflict a sentence of imprisonment, the family of the accused is supported by him during the term of imprisonment; and if the courts impose fines, the fines are also paid by him.

**Difficulties in enforcement as pointed out by our authorities.**

Nor is this all. All offences under the Prohibition Act are bailable and this facilitates the offenders to resort to crime again and again when they are let on bail. The Act provides punishment up to three years and fine up to Rs. 5,000. There has, however, not been even a single case in which the sentence of imprisonment has exceeded one year. Normally such sentences range only between one month and three months. In most cases, in which the fines are imposed, the amount of the fine ranges only from Rs. 10 to 50. This

has become particularly so, ever since the separation of the Judiciary from the Executive. The new magistrates never seem to bother themselves about the adequacy of punishment. Indeed, the easy way of earning money in liquor trade, the facility of obtaining bail, the inadequacy of the punishment inflicted by the courts and the increase in demand for liquor have given fillip to illicit distillation and cognate offences.

Moreover, the misuse of spirituous and medicinal preparations as substitutes for alcohol is a very common occurrence in urban areas. In a few cases, there have even been deaths due to consumption of spirituous preparations. Many persons who are charged with drunkenness have contended in the courts that they have taken non-prohibited medicinal preparations and have thus escaped conviction. Varnish, French polish and denatured spirits are also often diluted and consumed by the addicts. Again, the concessions given to ex-tappers who have been thrown out of employment to tap palm trees for sweet toddy for the manufacture of jaggery on a co-operative basis, has resulted in widespread misuse of licences. In most cases they either draw fermented toddy as such under the guise of sweet toddy or manufacture fermented toddy out of sweet toddy. Experience has shown that the jaggery produced by the tappers has no relation to the number of trees licensed for tapping of sweet toddy.

Above all, there is hardly any public co-operation, a co-operation which is essential for a scheme like prohibition. Such co-operation was forthcoming in the early years of prohibition. There was then enthusiasm everywhere, but this has now completely vanished. Some have begun to think that, the reform having been effected, nothing more need be done by them. Others have begun to think that the enforcement is the work of the officials and not theirs. All have, however, no doubt about the moral value of the reform. But they are not willing to give information of offences which would send to jail some of their neighbours who have not done any visible harm or injury to anyone in particular. They seem, in fact, to regard prohibition crimes as quite different from the crimes coming under the Penal Code. If at all anybody among them comes forward with information, it is due either to reasons of private enmity to the offender or to the hope of getting a reward. The enforcement officers are finding it very difficult to secure mahazar witnesses while seizing incriminating articles and arresting offenders. Even if anybody subscribes his signature to the mahazar, he very often turns hostile in the court. Instances where the village officers have assaulted the enforcement staff while arresting and escorting offenders have not been rare. There is a growing tendency to shield offenders. The staff are thus generally

thrown back upon their own strength and resources in combating prohibition crime[1].

Dr. Natarajan's report on the Socio-economic effects of prohibition.

This is one side of the medal. The other side is entirely different. It has been well brought out by Dr. Natarajan in his report submitted to the Government in 1950. He was then the Economic Adviser to the Government and he was specially asked to assess the socio-economic effects of prohibition. He made a sample survey of the whole State, his enquiry covering over 8,000 rural families and 1,000 urban families of ex-addicts as well as non-addicts.

This enquiry throws a flood of light on several social and economic matters. Prohibition has helped the ex-addict to feed and clothe himself and his family much better than before, as he can now save all the money that he formerly spent on drink; his relative expenditure on food and clothing has risen by 7·36 per cent and 1·33 per cent respectively. It has also effected a significant change in the pattern of his expenditure; what he spends on items like tea, coffee and amusements has now risen from 2 per cent to 7·07 per cent. It has also effected a shift in his expenditure from items like marriages to productive items of capital nature like sinking of wells, improvements to land and houses and purchase of bulls. This beneficial trend would have been more pronounced but for the neutralizing effects of a rapid rise in the cost of living and adverse seasonal conditions. Nevertheless, a general increase in assets is in evidence now in the rural sector, the total estimated value of assets of all the families examined to Rs. 267·54 lakhs in 1949–50, i.e., by 3·94 per cent. The having risen from Rs. 257·39 lakhs in the pre-prohibition days debts also have increased correspondingly; and although a good slice of borrowing has been utilized for family expenses, a considerable part of it has been diverted to productive items of expenditure. The total debt in the families examined has risen from Rs. 13·3 lakhs to Rs. 55·01 lakhs or by 88·04 per cent. The average debt per family, however, has decreased from Rs. 651 to Rs. 544 or by 16·43 per cent. The indebtedness of the ex-addict families has increased from Rs. 4·10 lakhs to Rs. 6·78 lakhs or by 65·73 per cent. The average debt per family has, however, decreased from Rs. 438 in the pre-prohibition period to Rs. 338 in 1949–50, or by 22·83 per cent. The rural indebtedness can be estimated to have risen from Rs. 174 crores in 1945 to Rs. 326 crores in 1950, i.e., by an increase of Rs. 152 crores. This increase in indebtedness is to be attributed largely to the cumulative effect of the

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[1] *See* the letter sent by the Government to the Planning Commission, dated 23rd July 1954, No. Ms. 84048 Pro./54-3.

*See* also the Annual Administration Reports of the Excise Department from 1949 to 1956.

G.O. Ms. No. 488, Home, dated 21st February 1955.

failure of the monsoons in some years in succession and the abnormal rise in the cost of living. The debt position would undoubtedly have become much worse, had it not been for the beneficial effects of prohibition. Moreover, the grave crimes in the State as a whole have shown a downward trend after the introduction of prohibition. Street brawls have become things of the past and the ex-addict in general has acquired a new personality. He is now keen on the education of his children. He is solicitous about the health and happiness of his family. He calls in the aid of the village doctor in case of illness. He never quarrels with his wife or beats his children. He is becoming more human in all his dealings with his family. He returns home straight from the fields or factories in the evenings and receives always a warm welcome from his wife and children. This happy turn in his affairs is to be attributed largely to the diversion of about Rs. 60 crores from drink to useful purposes [1].

**Damaging report of the Andhra Prohibition Enquiry Committee.**

Such have been the perventive and ameliorative sides of prohibition depicted by our authorities in Madras. But, in the Andhra State, the Andhra Prohibition Enquiry Committee has painted both these sides black without any redeeming feature. This Committee presided over by Sri S. V. Ramamurthy, a retired civilian, toured the Andhra districts in 1954, made official as well as non-official enquiries and submitted an altogether damaging report on prohibition to the Andhra Government.

This is how it has assessed the results of prohibition in relation to the individual, the society and the State. Owing to the closure of liquor shops, drinking in public has practically ceased, but drinking in private has taken its place. Most of the old addicts are still drinking and the new addicts have also joined them. The number of addicts now varies generally from 50 per cent to 100 per cent. While drinking was formerly confined to the lower classes both in the villages and urban areas, it is now rapidly extending to the lower middle classes as well. In some places even women and children have taken to drink and drink is now available at home and is made and sold there, instead of being sold, as in former days, in licensed shops. The properly distilled arrack has now given place to home-made deleterious stuff fermented by chemicals like ammonium sulphate. This kind of illicit arrack is known to have caused even deaths, besides injuring health and producing diseases of the heart, lungs, stomach, etc. It has no standard to go by; it varies in strength from over proof liquor to under proof liquor of 26° to 56°. Moreover, there is overwhelming evidence to show

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[1] *See* the Report on an enquiry into the Socio-economic effects of Prohibition, 1951.

that the enforcement of prohibition has been a complete failure. The main cause of this is the lack of public opinion in its favour. The public make a distinction between drunkenness and drink. They despise drunkards and respect the teetotallers, but they do not feel that mere drinking is a social or individual crime which they should condemn or help to put down. They differentiate between prohibition crimes and ordinary crimes like theft. They do not come forward to give information about prohibition crimes or to act as panchayatdars at scenes of offences or to give true evidence in the courts. Further, a class of bootleggers have grown up who find illicit distillation a very paying business. They supply the liquor to the addicts, reap large profits therefrom, terrorise all those who help in the enforcement and corrupt the officers of the Police and Prohibition Departments. Permits to make nira and sweet juice for jaggery manufacture are also very much abused and this has led to increased corruption among the officers of the Co-operative Department. The result of all this is, "prohibition has practically ceased to prohibit" and engendered wholesale corruption which has lamentably broken down the morale alike of the Police, the Prohibition and the Co-operative Departments. Quite apart from this there is also the danger that, if prohibition were to continue, the Government would have to face a general disregard for law and order.

**It recommends the discontinuance of prohibition and the adoption of a new excise policy.**

There is, therefore, no reason why prohibition should be continued. It has cost the State nearly five crores of rupees and, if this revenue can be ploughed back for the benefit of the people who largely contribute to it, there should be no objection from any quarter. It is necessary to have a dynamic approach to life; it is necessary to plan and develop our resources. And for this purpose prohibition which has completely failed should be replaced by temperance, by a new excise policy with two sides, namely, regulation and consumption of liquor and social and economic development. Toddy may be allowed to be consumed without permits, but with regard to arrack there should be individual rationing on a permit system. Toddy is comparatively non-injurious, its alcoholic content is low, it has a food value and it has a widespread demand. When this demand is complied with, the demand for arrack will naturally decrease. To all those who drink arrack a ration of 3 drams per day may be allowed on permit, the maximum strength of liquor being fixed at 30 u.p. Drinking should be permitted on premises and the drink should not be allowed to be taken home. The hours of supply of both toddy and arrack may be fixed as 3 p.m. to 7 p.m. instead of 9-30 a.m. to 8 p.m. as in the pre-prohibition days. The amount of duty on arrack may be reduced in order to wean the people from the habit of drinking illicit liquor. This

would put down illicit distillation to a large extent. The system of formation of co-operative societies for tapping nira or sweet juice for making jaggery may be abandoned. The supply of toddy may be restricted by limiting the number of trees to be tapped as well as by limiting the daily supply of toddy to half a gallon to a person. Drunkenness in a shop should render he renter liable to have his licence cancelled. Other restrictions on the sale of liquor, such as closure of shops on certain occasions and at certain places, prohibition of sales to women as well as persons under 21 years of age, may be continued. Special emphasis should be placed on temperance education and temperance propaganda. Foreign liquor may be permitted to be consumed without any medical certificate but it may be rationed, the ration being adjusted to the income and habits of the applicants for permits.[1]

It will thus be seen that the Andhra Prohibition Enquiry Committee recommended the abolition of prohibition and the revival, with a few modifications, of nothing but the old excise system. It will also be seen that it had not one good word to say about prohibition.

**Prohibition as a directive principle of State policy laid down by the Indian Constitution.**

Meanwhile, much water began to flow under the bridge. Article 47 of the Indian Constitution laid down as a Directive Principle of State Policy as follows : " The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes, of intoxicating drinks and of drugs which are injurious to health "[2]. In pursuance of this principle, in December 1954, the Government of India asked the Planning Commission to make a comprehensive enquiry into prohibition and the Planning Commission appointed a Prohibition Enquiry Committee for that purpose. This Committee made a detailed study of prohibition in all the States which had totally or partially introduced it and came to the following conclusions.

**Appointment of the Prohibition Enquiry Committee by the Planning Commission.**

**It describes the good effects of Prohibition.**

In all prohibition States like Madras, Bombay, Saurashtra and Andhra, there is considerable support to the view that prohibition has improved the physical health and economic status of the people who were formerly given to liquor and drugs[3]. Prohibition has also been one of the important factors in the economic well-being of the wage-earning classes. Debts incurred before are now being repaid, houses are being repaired or rebuilt and earthenware utensils are being replaced

[1] Report of the Andhra Prohibition Enquiry Committee, 1954, pages 87–97.
[2] Constitution of India, 1950, Article 47.
[3] Report of the Prohibition Enquiry Committee, 1954–55, page 33.

by copper and brass ones. The ex-addicts are now able to afford better food and clothing; they are also able to educate their children, to purchase even jewellery for their wives and to improve their farm lands and livestock. There has been a marked improvement in the condition of several scheduled tribes [1]. There has also been a marked improvement in the standard of living of the working classes in the urban areas[2]. There has, besides, been a growing civic sense among all classes, a thing that was absent in pre-prohibition days [3]. Many difficulties, of course, have still to be overcome. Prohibition crime is increasing, prohibition law is revealing several loop-holes and public support for prohibition is dwindling[4]. Notwithstanding all this, it must be said that a large measure of success has been achieved in enforcing prohibition. This is shown by the fact that the consumption of liquor has been considerably reduced, that the quantity of illicit drink now consumed is smaller than the quantity consumed in pre-prohibition days, that a large number of casual drinkers who are averse to breaking law, have been weeded out, and what is more, that the younger generation has been saved from acquiring the habit of drinking [5]. "Despite all difficulties experienced in the working of prohibition, we are of definite opinion that prohibition is not only a sound policy but also a practical proposition. The aim should be to promote nation-wide prohibition and to achieve better and more lasting results through effective implementation [6].

Prohibition is, indeed, the only panacea. Temperance is a useless remedy. A study of the conditions in the non-prohibition and partial prohibition States reveals that the policy of "minimum consumption and maximum revenue" has totally failed to reduce consumption. In these States where the maximum revenue is being raised from a helpless people continuously exposed to temptations, no tangible results have been secured; and the drink habit is gradually spreading among classes hitherto not accustomed to it. Once this habit is formed, it is needless to say that it cannot be shaken off without compulsion [7]. This habit has woefully ruined the health and lowered the standard of living of the masses. In order, therefore, to improve national health and national standard of living, this habit should be done away with at once [8]. Prohibition should be made an integral part of the Second Five-Year Plan inasmuch as it is a social

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1 Report of the Prohibition Enquiry Committee, 1954–1955, page 23.
2 *Idem*, page 36.
3 *Idem*, page 37.
4 *Idem*, pages 37–38.
5 *Idem*, page 39
6 *Idem*, pages 39–40.
7 *Idem*, page 41.
8 *Idem*, pages 42–45.

welfare scheme of immense significance in our avowedly Welfare State[1]. A target date should be fixed for bringing it into effect throughout India[2] and this date may be 1st April 1958[3].

*It recommends introduction of prohibition in all States*

A clear-cut statement may be issued by the Union Government to the effect that prohibition has become a national policy, that through the gradual process of education, tightening of restrictions and enforcement, the use of intoxicating drinks and drugs injurious to health, except for medicinal purposes, is to be completely stopped, and that, before 1st April 1958, prohibition would become national law through the State Legislatures. In the States where prohibition is already in force, their programmes should continue but with greater vigilance ; and in the States where partial prohibition obtains, steps should be taken to introduce total prohibition. In the States in which no beginning has yet been made in prohibition, as well as in the wet areas of the partial Prohibition States, there should be, from 1st April 1956, a stoppage of drinking in hotels, bars, restaurants, messes, clubs, cinema houses and at all parties and functions. From that date, in the case of hotels catering to foreign visitors and tourists, a separate room might be provided for serving liquor to them, and in the case of messes of Defence Services, liquor might not be served at the table whenever outsiders are invited. From that date again, advertisements and all other public inducements relating to drink should be prohibited. In the intervening period between 1st April 1956 and the target date, i.e., 1st April 1958, the following steps should be taken. Liquor shops should be reduced in number. They should be closed for an increasing number of days in the week. They should be supplied with lesser quantities and lesser strengths of liquor. They should not be located in industrial and project areas or inside the villages and towns. The Government servants could be asked to abstain from drinking. A progressive reduction in the number of hemp drug shops should also be effected.

*Measures to be taken.*

Once complete prohibition is introduced from 1st April 1958, no permits should be issued on health grounds. Foreign tourists and visitors may be allowed to have liquor privately in their homes on the basis of special permits. The Christian, Jewish and Parsee places of worship may be allowed, on permits, to use liquor for sacramental purposes. Doctors and hospitals may be permitted to use small quantities of liquor and opium for medicinal treatment under proper safeguards. Industrial alcohol should be obtained through

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[1] Report of the Prohibition Enquiry Committee, 1954-54, page 45.
[2] *Idem*, page 46.
[3] *Idem*, page 47.
[4] *Idem*, pages 105–108.

normal channels of Government for industrial purposes under proper supervision. A satisfactory formula should be devised for making industrial alcohol non-potable. In order to prevent its diversion and adulteration for drinking purposes, effective rules should be framed for its manufacture, storage, transport and disposal[1].

Public co-operation should be secured to enforce prohibition. Enforcement should have two wings; (*a*) educative and preventive and (*b*) legal and administrative. Emphasis should be shifted from mere detection and punishment to prevention and education. In order to achieve co-operation between the two wings of the enforcement machinery, an Administrator of Prohibition should be appointed in every State. The Administrator should work directly under the Minister for Prohibition. He should be a non-official of high standing who can devote himself exclusively to the implementation of the prohibition programme. He should have control over the two wings but should have no powers to interfere with the normal administration of the Police Department. It should be his duty to co-ordinate official and non-official activities so as to ensure effective enforcement. There should be a Prohibition Board at the State level consisting of representatives of both the wings of the administrative machinery as well as some representatives of public opinion. The Minister in charge of Prohibition should be the President of the Board and the Administrator its Chairman. The Board should meet regularly and frequently to consider the details of policy and to review the progress of prohibition. There should be a District, a Taluk or even a Village Prohibition Committee. The District Committee should consist of officials and non-officials drawn from both the enforcement wings. The District Magistrate should be the Chairman of this Committee and its convener should be a full-time prohibition worker of the district. At least half the number of its members should be drawn from the ranks of social and constructive workers. Some of its members may consist of members of local bodies interested in prohibition[2].

There should be a Prohibition Act in every State and the Acts of Madras and Bombay may serve as models. Prohibition offences should be treated on a par with other offences and the Police should be made responsible for the enforcement. Within the Police Department, however, there should be a special enforcement branch for prohibition work consisting of trained personnel. Mobile Police squads should be organized specially for attacking sources of illicit supplies of liquor and

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[1] Report of the Prohibition Enquiry Committee, 1954–1955, pages 108–109.

[2] *Idem*, pages 109–110.

drugs. All offences connected with illicit distillation, import and export of liquor and drugs, bottling of illicit liquor for sale, rendering denatured spirits potable and cultivation of hemp plant, etc., should be made non-bailable. Punishments in the case of non-bailable offences should be made deterrent. The law should prescribe a minimum punishment in such cases. There should be summary trial for prohibition offences other than non-bailable offences. Ways and means should be devised for protecting witnesses who furnish important information relating to non-bailable offences. Where a person habitually defies the law, security sections of the Criminal Procedure Code may be applied[1].

Concerted measures are needed to strike at the roots of illicit distillation and trade. Steps recommended include continuous destruction of materials used for it through the agency of mobile squads, effective control on base materials, etc. There should be effective control on the manufacture, sale and distribution of toilet preparations and dealers of these preparations should be required to maintain accounts of production and sales[2].

Machinery for education and propaganda should be immediately organized in every State. All existing organizations which have experience of this kind of work should be urged to co-operate. The Education Department should emphasize upon the students the harmful effects of alcohol and drugs. The press should be fully utilized to mobilise public opinion in favour of prohibition. Counter attractions to drink should be provided by opening centres where, among other things, inexpensive food and nutritious drinks are sold. Recreation and entertainment centres form in themselves an essential part of the social welfare programme; and these should be provided. Special efforts should be made to persuade ex-toddy tappers to take to suitable cottage industries. Organizations for palm-gur manufacture and for tapping nira may be worked through the agency of trusted constructive workers[3].

A Central Research Institute should be set up for the study of mental and physical disorders and psychological problems connected with alcoholism. When the results of such researches become available, a number of clinics may be established. It would be useful to conduct research on the industrial utilization of such base materials as molasses and palm-juice which are used for illicit distillation. In order to review the progress of prohibition programmes and to co-ordinate the activities in the different States, a central

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[1] Report of the Prohibition Enquiry Committee, 1954–1955, pages 110–111.

[2] *Idem*, pages 111–112.

[3] *Idem*, pages, 112–113.

committee under the Planning Commission or the Ministry of Home Affairs should be set up. Some representatives of the State Governments should be associated with this committee. Similar committees may be set up in the States [1].

The excise duties on narcotics and intoxicants collected in the several States are highly iniquitous and anti-social. They have no justification to exist and they should therefore be speedily wiped out. The progressive fall in excise revenue under prohibition should be integrated with the general financial proposals of each State for the Second Five-Year Plan. Additional taxation should not therefore be linked up with prohibition. By the steepening of estate duties, by the rationalisation of rate structures, by the tightening up of the tax collections and, especially by the prevention of the evasion of the income-tax and the general sales-tax, the revenues can be greatly expanded. An effective organization should be set up to garner the purchasing power released by prohibition. Active work has to be done for diverting the savings into co-operative institutions, post office savings banks, national savings certificates and home hundies, etc. The Union Government should give financial aid to such of the States as might financially suffer under prohibition [2].

Some of these recommendations, it will be seen, were based upon the measures which had already been introduced in our State, but some were new.

**What our Government have done.**

It remains now to see what the Government have done in the light of all that has been stated above. As may be expected, the recommendations of the Gounder Committee, the revelations of the black spots in the enforcement of our authorities, the condemnation of everything by the Ramamurthi Committee and the suggestions of the Committee appointed by the Planning Commission, not to mention the existence of some other drawbacks and shortcomings, all these compelled the Government to introduce several changes.

**Transfer of enforcement to the police.**

The main recommendation of the Gounder Committee, that the enforcement of prohibition throughout the State should be transferred to the general police, was discussed at a special conference of officials and non-officials in November 1953 and adopted early in 1955. This was done mainly because of the large increase in prohibition offences noticed under the existing system. It was thought that the general police might be able to handle the situation much better than the special police or the former excise (prohibition) staff. The enforcement work was accordingly transferred from the Board of Revenue to the Inspector-General of Police; additional

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[1] Report of the Prohibition Enquiry Committee, 1954–1955, pages 113–114.

[2] *Idem*, page 114.

police staff was sanctioned, where necessary, both at the headquarters and in the districts; a major portion of the Excise staff was absorbed in the Police leaving a skeleton staff under the Board of Revenue in charge of Residuary work; and consequential amendments to the rules and notifications issued under the Prohibition Act were made[1]. A special prohibition squad consisting of officers and men drawn from both the Police and Excise (Prohibition) Departments was also formed for intensive prevention work in districts where the situation called for special attention and handling and, to begin with, it was asked to concentrate its attention in Madras City[2]. Later on, however, such special squads were formed in the districts. The preventive staff was, at the same time, instructed that the detection of sources of supply of illicit liquor was of much greater importance than the punishment of persons who merely drink illicit liquor and that they should therefore concentrate more on tracking down illicit distillers or fermenters and vendors. In dealing with prohibition offences, they were told, a direct approach, as on rioters, was not likely to prove fruitful and, instead, a certain amount of detection tactics and technique should be brought into play. Persons found drunk or smelling liquor should be interrogated tactfully for information regarding the vendors and distillers or fermenters of illicit liquor and raids should be organized promptly, if useful information was obtained, to track illicit vendors and distillers. As regards persons found drunk or smelling of liquor, action need not be taken against them if they furnished correct information regarding the source from which they got illicit liquor. Emphasis should thus be laid on tracking down the illicit distillers and vendors[3].

*Tracking down of illicit distillers, etc.*

*Residuary work of the Board of Revenue.*

The Board of Revenue was, however, continued to be placed in charge of the Residuary work connected with prohibition in all districts. This Residuary work which is attended to by a limited Excise staff comprises administration of the Prohibition Act, the Opium Act and the Dangerous Drugs Act, the proper realization of revenue and the issue and supervision of various kinds of licences and permits under those Acts[4].

*Permits.*

In regard to permits, only a few changes were made. Non-Indians were, as before, given permits not exceeding 8 units a month each, on the presentation of application, and foreigners on the production of certificates from tourist

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[1] G.O. No. 3524, Home, dated 1st December 1954.
G.O. No. 3848, Home, dated 28th December 1954.
G.O. No. 856, Home, dated 1st April 1955.
G.O. No. 124, Home, dated 11th January 1956.
[2] G.O. No. 726, Home, dated 19th March 1954—*See* page 32.
G.O. No. 2239, Home, dated 23rd July 1954—*See* page 30.
[3] G.O. No. 2595, Home (Confidential), dated 18th July 1952.
[4] G.O. No. 1082, Home, dated 22nd April 1957—*See* page 21.

agencies. Indians were also, as before, given permits on the strength of the medical certificates issued by the Government Medical Officers not below the rank of a Civil Surgeon. The quantity of liquor to be issued to Indians was, however, restricted to a maximum of 4 units a month and a progressive cut of half a unit was imposed at the time of renewal; but this cut was subsequently restored. Permits to Indian visitors from other States in which prohibition was in force were given on the strength of health permits issued to them in their respective States and to those from other States in which prohibition was not in force were given on the strength of medical certificates. The issue of ganja was, as before, made only for medicinal purposes. Opium was, as before, allowed to be consumed by registered addicts alone, but subjected to a progressive reduction by 20 per cent, every year with effect from 1st October 1949. The issues to the addicts thus ceased generally from 1953. Thereafter it was only in cases where opium was required on grounds of health that the supply was allowed to the old addicts and this was done on the strength of medical certificates[1].

**Advisory Councils and Committees.**

District Advisory Councils were formed consisting of the District Superintendents of Police, the Deputy Registrars of Co-operative Societies, all the members of the Legislature, the Presidents and Secretaries of the District Congress Committees and District Muslim League Committees, the heads of Roman Catholic and most prominent Non-Roman Catholic Missions and non-official members of Taluk Prohibition Committees, the Chairmen of the Municipal Councils and the Presidents of the District Boards, under the presidency of the Collectors of the districts in order to carry on effective propaganda and enlist greater support from the Taluk and Village Prohibition Committees[2]. An Advisory Council was also formed for the Madras city[3] and all these councils were asked to meet monthly[4]. Taluk Prohibition Committees were formed in the districts, consisting of the Revenue Divisional Officer, the Deputy Superintendent of Police, the Tahsildars, etc., and some non-officials, including local physicians. They were asked to meet periodically and to send their proceedings to the District Advisory Council and to follow its instructions[5]. Village Prohibition Committees were formed consisting of a few officials and non-officials, the

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1 G.O. No. 2239, Home, dated 23rd July 1954—*See* page 35.
G.O. No. 599, Home, dated 9th March 1954.
G.O. No. 1225, Home, dated 24th April 1956—*See* pages 84–86.
G.O. No. 3693, Home, dated 27th December 1955.

2 G.O. No. 1926, Revenue, dated 12th August 1947.
G.O. No. 2630, Revenue, dated 11th October 1947.
G.O. No. 169, Revenue, dated 27th January 1948.

3 G.O. No. 237, Revenue, dated 25th January 1950.

4 G.O. No. 302, Home, dated 28th January 1956.

5 G.O. No. 2808, Revenue, dated 24th September 1946.

non-officials being appointed by the Revenue Divisional Officer, in order to help in the enforcement work. It was subsequently ordered that suitable women might be nominated to the District Advisory Councils and Taluk Prohibition Committees [1].

**Other measures of enforcement.**

Nor is this all. The enforcement staff were instructed to press for deterrent sentences in the courts for prohibition offenders. Intensive patrolling of sweet juice topes was ordered to be regularly conducted to prevent illicit tapping of trees. In order to reduce the incidence of offences by the members of the co-operative societies for manufacturing jaggery, the Inspectors of the Co-operative Department who issued the licences to such societies were required to fix a reasonable quantity of jaggery to be produced by each society of tapper-members per week or fortnight on the basis of the palm trees tapped, taking, however, into consideration the local and seasonal conditions and the licences of those who produced less were made liable to be cancelled. In order to watch the quantity of sweet juice drawn and the jaggery manufactured by the licensees, the societies were required to maintain the necessary registers; and these were ordered to be scrutinized by the Co-operative Inspectors and the Palm Gur Instructors at the time of their visits [2]. With a view to checking the widespread misuse of spirituous culinary essences, a notification was issued controlling the manufacture, stock, possession and use of culinary and aerated waters essences under suitable licences. With a view to checking the drinking of French Polish, after rendering it potable, another notification was issued prescribing licences containing certain conditions for the manufacture, possession and sale of varnish and fixing the minimum resinous content in it. So as to facilitate the detection of fermented wash, etc., concealed in open places, rewards were granted to informers who unearthed such contraband [4]. And, so as to secure better public co-operation to put down illicit distillation, rewards were granted to entire village communities [5].

**Amendments to the Prohibition Act.**

Some amendments to the Prohibition Act that were considered necessary were also made. It was found that disclosure of the names of persons giving information about the commission of offences under the Prohibition Act, 1937, seriously prejudiced the detection of such offences. It was therefore deemed necessary that the Prohibition Officers should not be compelled by the courts to disclose the names of informers. Accordingly, Act XLV of 1949 was passed, which

**Act XLV of 1949**

[1] G.O. No. 2236, Home, dated 4th August 1956.
[2] G.O. No. 302, Home, dated 28th January 1956.
[3] G.O. No. 726, Home, dated 19th March 1954—*See* pages 26–27.
[4] G.O. No. 638, Home, dated 11th March 1955—*See* page 62.
[5] G.O. No. 638, Home, dated 11th March 1955—*See* page 63.

provided for the application of section 125 of the Indian Evidence Act of 1872 to prohibition offences[1]. Moreover, section 5 of the Prohibition Act made it an offence to render, or attempt to render, denatured spirit fit for human consumption, but that section applied only to denatured spirit and not to preparations containing such spirit. As it was found that there were a number of cases in which preparations containing denatured spirit such as Shellac and French Polish had been rendered fit for human consumption, Act XXXI of 1950 was passed for amplifying section 5 of the Prohibition Act so as to make such malpractices punishable[2]. Again, section 30 of the Prohibition Act empowered the Collector and certain officers to enter and inspect at any time any place in which any of the offences specified in that section was reasonably suspected to have been committed. An offence under section 4-A or section 5 of the Act had, however, not been specified under that section. Similarly section 32 (*a*) of the Act which empowered any Prohibition Officer or any other officer of the Police or Revenue Department to arrest without warrant any person found committing an offence did not cover the case of any offence under sections 4-A and 5. It was considered that the power of entry and inspection and the power of arrest and warrant conferred by sections 30 and 32 (*a*) respectively should be made to extend only to offences under sections 4-A and 5. Hence Act XXXI of 1951 was passed[3]. One other Act which was passed was Act VI of 1952 to amend suitably the Prohibition Act so as to provide for an increase in the revenues of the State, by the levy of a tax on sales of foreign liquor[4]. Under this Act a sales-tax at 8 annas per rupee on the price of foreign liquor sold to permit holders and private clubs was levied[5].

**Act XXXI of 1950.**

**Act XXXI of 1951.**

**Act VI of 1952.**

**Ameliorative work transferred to the Co-operative Department.**

On the ameliorative side, the Gounder Committee's main recommendation that the ameliorative work should be transferred from the Board of Revenue and the Special Development Officers to the Registrar of Co-operative Societies and the Deputy Registrars, was given effect to from 1948. Gradually, in each district, save in the Nilgiris and Madras, two Deputy Registrars (instead of one) were appointed and the posts of the Special Development Officers were abolished. The scope of the ameliorative work was widened so as to bring within its range not only the ex-toddy tappers but also the entire village community. Ameliorative work was thus made co-extensive with rural development and emphasis was laid

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1 G.O. No. 21, Legal, dated 23rd January 1950.
G.O. No. 67, Legal, dated 25th February 1950.
2 G.O. No. 34, Legal, dated 21st February 1951.
G.O. No. 218, Legal, dated 13th October 1951.
3 G.O. No. 264, Legal, dated 26th November 1951.
4 G.O. No. 266, Legal, dated 22nd November 1952.
G.O. No. 44, Legal, dated 17th February 1953.
5 *See* the Report on Excise and Prohibition for 1955–56, page 3.

more on constructive activities than on recreational activities. The village panchayats which were reorganized (in 1951) were considered better fitted to take up rural uplift work, but where grama sanghams were active they were ordered to be retained. Multi-purpose co-operative societies were ordered to be formed in each firka. Better facilities for borrowing and repaying were provided by the expansion and proper supervision of the rural credit societies. Subsidies were granted for the construction of godowns to the rural credit and marketing societies and godown-*cum*-community centres were encouraged. So also was encouraged the development of cottage industries societies among the ex-tappers, ex-addicts and agriculturists. Training was given in the various polytechnics of the Industries Department to artisans desirous of organizing cottage industries societies [1]. All this was done in accordance with the recommendations of the Gounder Committee. And, in addition, every attempt was made to promote rural development schemes first in the firka development centres, then in the rural welfare centres and later in the Community Development Blocks.

**Main items of work.**

The main items of ameliorative work undertaken at present are : (1) the provision of employment to the ex-toddy tappers through jaggery manufacturing co-operative societies, through other types of co-operative societies, such as milk supply unions, land colonization societies and industrial co-operative societies and through other means such as employment as gangmen in the Public Works Department, unskilled labourers in industrial concerns and casual labourers in the harbour; (2) the formation of co-operative societies for the general public, including the ex-addicts; (3) the development of co-operative societies in the Block Development areas; (4) the provision of rural uplift (*a*) through the grama sanghams and (*b*) through the rural co-operative credit societies; (5) re-organization of rural credit societies into multi-purpose societies; (6) the provision of counter-attractions to drink by way of exhibitions of instructive films, playing of gramophone records, etc., (7) the promotion of thrift; (8) the undertaking of social and recreational activities through grama sanghams numbering over 6,000 and through rural credit societies; and (9) the holding of propaganda meetings against drink. The other items undertaken include (1) rural housing; (2) the development of village industries in the Block Development areas; and (3) intensive food production.

**Jaggery Co-operative Societies.**

Something more may, perhaps, be said here about the jaggery manufacturing co-operative societies which were specially formed, as we have seen, for the employment of ex-tappers. The work of supervising these was, towards the end

[1] G.O. Ms. No. 4440, Development, dated 1st September 1949.
Memorandum No. 87405, Industries, Labour and Co-operation dated 16th November 1957.

of 1956, transferred to the Industries Department. There were in June 1956 as many as 1,605 such societies with 1·95 lakhs of members (of whom 1·69 lakhs were ex-toddy tappers) and they produced 31·72 lakhs of maunds of jaggery during 1955–56. They are not generally financially strong and the co-operative banks are generally reluctant to finance them. They, however, get small loans from these banks and, with the help of these and with their own meagre resources and thrift collections, give small loans to the members for purchasing the equipment and raw materials required for carrying on their industry. Besides the production of jaggery, some of them also encourage subsidiary occupations such as coir-making, brush-making and sheep-rearing. Sometimes the Government give them loans. Their main occupation being the production of jaggery or palm gur, a State-wide scheme was launched in 1949 to improve the Palm Gur industry by the adoption of improved utensils and scientific methods of production. Since then the Palm Gur Instructors appointed under the scheme impart training to the members of the jaggery co-operative societies in the improved methods of manufacturing palm jaggery by using improved gur-making equipment. This equipment is in many places supplied at half the cost and in some places free. Under the Second Five-Year Plan it is proposed to supply 900 improved gur-making sets to the societies at half the cost price. The Palm Gur Instructors also train the ex-tapper members of the societies in the manufacture of toffee, sweetmeats, etc., from palm gur and white sugar from palm-juice with the aid of centrifugal machines. In some cases these centrifugal machines have been supplied free of cost and it is proposed under the Second Five-Year Plan to supply two of such machines to two jaggery co-operative societies free of cost every year. The Government are likewise assisting these societies in various ways to find a market for their goods. It may also be stated here that in order to provide further employment to the ex-tappers in the districts of Tirunelveli, Ramanathapuram and Salem, the sale of nira as a beverage has been permitted and that the sale of nira through parlours or in select centres run by the jaggery manufacturing co-operative societies has been permitted in Salem, Madras, Madurai, Kancheepuram, Vellore and Nagapattinam [1]. A scheme for the tapping of palmyra and coconut trees for sweet toddy for sale and consumption as beverage has been considered but dropped [2].

**A Specia Committee sits from 1953 to 1956 and considers several measures.**

Some of these measures were introduced on the recommendations of a Special Committee appointed in 1953 consisting of officials and presided over by one of the Ministers. This committee met periodically till 1956 and considered also some other

[1] Memorandum No. 87405, Industries, Labour and Co-operation, dated 16th November 1957.
[2] G.O. No. 483, Home, dated 23rd February 1953.

suggestions. One of these suggestions was that the ameliorative work connected with prohibition should be transferred from the Registrar of Co-operative Societies to the Board of Revenue so that propaganda and rehabilitation might be carried on more efficiently. This suggestion emanated from the Board of Revenue and the Inspector-General of Police; and several arguments have been adduced on its behalf. Prior to the transfer of the ameliorative work from the Board of Revenue to the Registrar, it has been said, emphasis was laid on special propaganda. Now, however, in practice the ameliorative staff under the Registrar does not devote sufficient time to propaganda and does not keep itself in touch with the Collector or take his advice. An appeal from the Revenue Department always carries more weight with the villagers, and, with the Collector at the top, the facilities for propaganda work are admittedly much greater. The Collector is in charge of the administration of the Prohibition Act in the district and activities relating to enforcement and amelioration are inextricably inter-related to each other. If the staff dealing with these activities is controlled by two different authorities, there is naturally very little co-operation at the lower levels. This can be seen particularly in the jaggery co-operative societies. While the ameliorative staff goes all out to increase the number of such societies, the enforcement staff is not so enthusiastic as it would increase the difficulties of enforcement. If the Collector is the head of both, he can be expected with his local knowledge and understanding to take the views of both sides into consideration and to ensure that the formation of such societies does not lead to abuses, by insisting on proper vigilance by the enforcement staff on the one side and the co-operation of the ameliorative staff in preventing abuses on the other. If the propaganda is, however, to be transferred to the Board and the Collectors, a State Propaganda Officer and some District Propaganda Officers, Taluk Propagandists and Ballad Singers will have to be appointed and also some propaganda vans will have to be provided. As against this, the Registrar of Co-operative Societies has contended that the ameliorative work has suffered because the Government have not given it sufficient importance. The Gounder Committee having taken the view that rural recreation and amusements were mere "thamasha" and the Retrenchment Committee of 1947 having taken up the cue and come down with the axe to slaughter some 200 Rural Recreation Officers, 150 Village Guides and 60 Ballad Singers, besides the Chief Physical Instructor, song composers, etc., ameliorative activities have necessarily been curtailed. The abolition of the Special Development Officers has had also much to do with this. But, more than all, the work has suffered because of the directions issued by the Government in 1950 "that

Ameliorative Department should not hereafter incur any expenditure on rural recreation activities such as dramas, bhajanas, etc.", and in 1952 that "the policy of the Government is to curtail recreational activities connected with prohibition (amelioration) work and to concentrate on constructive activities such as organization of co-operative societies, etc." He has said that a reorientation of the policy is necessary, that amelioration on the former scale should be revived and that, for this purpose, an adequate number of Special Development Officers, Assistant Development Officers, Rural Recreation Officers, Village Guides and Ballad Singers should be appointed. He has taken no objection to the transfer of the recreation and amusement work to the Collectors and the Board, but he has insisted that the co-operative work should be left solely in his hands. The Special Committee more than once considered this matter[1] and the Government finally ordered that the Co-operative Department might continue to be in charge of amelioration[2].

Some other suggestions considered by the Special Committee were based upon the recommendations of the Prohibition Enquiry Committee of the Planning Commission. They all centred round illicit distillation and evoked much discussion. One member of the Committee has emphasized that the availability of molasses contributes a good deal to keep illicit distillation going and that, if this is controlled illicit distillation can also, to a large extent, be controlled. Further, if alternative employment can be found for the illicit distillers by the assignment of lands, etc., that might also have some effect. As against this latter suggestion, it has been pointed out that the principles governing assignments of lands do not permit this and that, even if they are changed, it would amount to putting a premium on illicit distillation. Another member has stated that since the illicit distiller depends on hirelings and base materials like molasses, he should be deprived of both. To this it has been replied that there is no way to deprive him of hirelings, that legislation is being considered by the Government to control molasses, that the real question is how to wean the distillers, especially the small distillers and that the only way to do this is to train them in the right path when they undergo sentences. The Committee came to the conclusion that converting offenders by offer of assignment of land would not be desirable and that the proper approach was to train them when they were serving their sentences[3].

One other question discussed by the Special Committee was the action to be taken by the police to put down illicit distillation. In this connection one member has said that illicit

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1 G.O. No. 638, Home, dated 11th March 1955, pages 41–44, 55–57, 71–73, 97–102, 117–121, 138–155, 173–175, 177–179.

2 G.O. No. 2476, Home, dated 3rd September 1956.

3 G.O. No. 638, Home, dated 11th March 1955, pages 235–237.

distillation is going on simply because the local Sub-Inspectors are in the pay of illicit distillers, that therefore it is desirable to encourage reliable persons, who may even be paid, if necessary, to report on illicit distillation to the Government and that, upon receipt of such reports, the Government should take prompt action. As against this it has been said that the Government cannot act straightaway on such reports, that they will have to send such reports to the Inspector-General of Police, who, in turn, will have to pass them on to the local officer for enquiry and probably to the same Sub-Inspector on the spot and that the best way out of the difficulty is to organize surprise checks by superior officers on receipt of such reports. The Committee felt that instructions should be issued for carrying out more frequent surprise inspections by superior officers, that the minimum of such inspections and checks for each Circle Inspector and Deputy Superintendent of Police should be prescribed and that the Inspector-General of Police should be asked for this purpose to issue suitable instructions. The Committee also felt that steps should be taken to see that the local public are encouraged to send reports on illicit distillation to the nearest police officer and assured that their reports would be welcomed by the police officers and treated with the utmost confidence [1].

**The Cabinet Sub-Committee appointed.**

In 1956 this Special Committee was abolished and a Cabinet Sub-Committee was appointed. The Cabinet Sub-Committee arose out of certain suggestions of the Prohibition Enquiry Committee of the Planning Commission. That Committee, it will be recollected, suggested that there should be a non-official Administrator of Prohibition and a Prohibition Board at the State level, the latter consisting of officials as well as non-officials and presided over by the Minister for Prohibition. The Board of Revenue stated that a non-official Administrator would lack administrative experience, which is essential to co-ordinate the work of enforcement and amelioration and that what was expected of such an Administrator was actually being carried out by the Board of Revenue (Excise) with the Commissioner of Excise and Prohibition at its head. The Government agreed with this view and also considered that no Prohibition Board was needed in our State. But they appointed, instead, a Cabinet Sub-Committee in March 1956 to go into the whole question of enforcement and to devise ways and means of tightening it up [2].

**The measures it has considered.**

This Cabinet Sub-Committee has considered a number of suggestions. One suggestion is that history sheets should be opened for all notorious illicit distillers and organizers and that

[1] G.O. No. 638, Home, dated 11th March 1955, pages 238–241.
[2] G.O. No. 1225, Home, dated 24th April 1956, pages 1–19.

the police should look them up occasionally during their beats. It is possible that they may not be able to catch the culprits, but the fact of surveillance would itself act as a deterrent[1]. The Committee has felt that this question should be further examined in consultation with the Law Department and the necessary instructions should be issued thereafter to the Inspector-General of Police.[2] Another suggestion is that public co-operation may be enforced by the imposition of collective fines.[3] It has been said that a provision for this should be included in the Prohibition Act, though the fines might not actually be imposed since such a threat itself would act as a deterrent. The Committee has agreed to this proposal[4]. A third suggestion is that at least one private person may be appointed as Prohibition Authority for each police station to receive reports and, where possible, to make quiet investigations and to send the available information to the Station Officer and the Collector. As against this, it has been urged that non-officials capable of performing police duties would not be available, that if they worked as informants their position would become difficult and dangerous and that, if they worked as propagandists, they would only duplicate the existing agencies. The Committee has decided to allow the existing position to continue but to improve the activities of the Police Department by appointing a Deputy Inspector-General of Police for a short period[5]. A fourth suggestion is that illicit distillation and betting on cotton prices in the Madras city should be vigorously tackled, since the prevalence of such crimes at the headquarters has an infectious effect in mufassal places[6]. The Committee has felt it necessary to appoint a Special Committee to go into the question and to propose suitable amendments for tightening up the provisions of the Madras Gaming Act. A fifth suggestion is that amusement parks which provide games of skill and chance along with fun and frolic should be encouraged. This suggestion is based on the assumption that dramas, bhajanas and kirtanas require not only time, money and talent but also make only a limited appeal, i.e., to those alone who are devotionally minded, that in almost all advanced countries, games of skill and chance are provided in amusement parks and that, if they are provided in our country also, they are bound to attract a large number of people and divert them from drink.[7] But the Committee, while admitting that such games might " canalise some of the existing tendencies for drinking and gambling ", has held that any large-scale gambling in parks is likely to be

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1 G.O. No. 1225, Home, dated 24th April 1956, pages 48–50.
2 *Idem*, page 82.
3 *Idem*, page 51.
4 *Idem*, pages 82–83.
5 *Idem*, pages 83–84.
6 *Idem*, pages 84–85.
7 *Idem*, pages 73–75.

misunderstood, and that, therefore, for the present, other attractions should be found. A sixth suggestion relates to spirituous medicinal preparations and culinary essences. The abuse of these preparations and essences has been considered very serious and it has been suggested that the Drug Controller should somehow be compelled to take the advice of the Collectors in the matter of issue of licences for them. It has, however, been held that, though the selection of licensees cannot be taken away from the Drug Controller, the elimination of those who defeat the prohibition policy of the State can be insisted upon. And it has been decided by the Committee that the issues made by the licensees should be closely studied by the excise and police staff so that the Drug Controller may be addressed about the removal of the licensees who defeat the prohibition policy and that, if he fails to take adequate action, the Government of India might be addressed. A seventh suggestion concerns the question of issue of liquor permits. It has been pointed out that the number of permits issued have, of late, increased and that there are legal difficulties in increasing the fee for the permits which is already high. It has also been pointed out that such permits cannot be withdrawn as that would go against the fundamental rights. In the light of this the Committee has revised the rules governing the grant of permits to Indians, foreigners and tourists[1].

This is not all. The need for bringing in comprehensive legislation to provide for the more effective enforcement of the provisions of the Madras Prohibition Act, 1937, and also for the removal of some difficulties experienced in the administration of the Act was felt by the Government for some time past and, in order to secure these objects, the Madras Prohibition (Amendment) Act, 1958 (Act VIII of 1958) was recently passed. In this Act the procedure and penalties relating to prohibition offences have been specially tightened up. Some of the more important of the provisions of the Act are :—(1) The expression "denatured spirits" is substituted for "methylated spirits" in the definition of liquor, as the former is a more comprehensive expression than the latter. A definition of "nira" or "padani" is substituted for "sweet toddy", as the expression "sweet toddy" is self-contradictory. Further, a definition of molasses is given, since the control and regulation of molasses vest with the State Government under the Act. (2) Any one found in possession of any materials, which have undergone any process towards the manufacture of any liquor or intoxicating drug or from which any liquor or intoxicating drug has been manufactured and is unable to account satisfactorily for its possession, is to be presumed to be guilty of an offence. (3) Both imprisonment

Act VIII of 1958.

[1] G.O. No. 1225, Home, dated 24th April 1956.
*See* also the Madras Liquor Permit (Personal Consumption) Rules.

and fine, enhanced punishment in cases of manufacture of or traffic in liquor or intoxicating drugs and a minimum punishment for the offences of import, export or transport of liquor or intoxicating drugs are to be imposed by the Magistrates. Minimum sentences for second, third and subsequent offences committed by the same accused are prescribed. (4) The control and regulation of molasses which form the largest and most important base for illicit distillation are to vest with the State Government. (5) As the monetary limit of the fine levied for prohibition offences, not otherwise provided for in the Act, viz., Rs. 200 is not sufficiently deterrent, this limit is enhanced to Rs. 500. Provision is also made for imprisonment for six months for these offences, since no such provision is expressly provided in the principal Act. (6) Courts are empowered to order confiscation of seized materials, animals, etc., during the trial of a case in certain circumstances. (7) Prohibition offences for which maximum imprisonment is six months or fine or both are to be tried summarily according to the provisions contained in sections 262 to 265 of the Code of Criminal Procedure, 1898, but only a sentence of fine is to be imposed. First-Class Magistrates and Special Magistrates are to impose fines up to Rs. 5,000 and Second-Class Magistrates and Special Magistrates up to Rs. 1,000. Prohibition offences of manufacture of or traffic in liquor or intoxicating drugs and of rendering or attempting to render denatured spirits fit for human consumption which were previously bailable are now made non-bailable. (8) Before any licence or permit is cancelled or suspended either by the Collector or the State Government, the party affected is to be given an opportunity to state his objections. (9) Prohibition Committees are to be constituted for such areas as the Government may determine instead of for every taluk as before. (10) Toddy, wash and sonti soru seized in any case are to be destroyed and only the pots or receptacles which contained them are to be sent to the Enquiry Officer with a report. (11) Persons found in a state of intoxication are to be sent for medical examination and the medical certificates are to be accepted as evidence to prove drunkenness. The accused is entitled to cross-examine the Medical Officer concerned, if he challenges the certificate. (12) Security bonds are to be obtained from the convicted persons for abstaining from commission of similar offences in future. Courts are to release offenders on probation of good conduct in given circumstances. (13) The State Government are empowered to make rules, (*a*) for the prevention of the use of medicinal or toilet preparations for any purpose other than medicinal or toilet purposes and for the regulation of the use of any liquor or drug exempted from the provisions of the Act, and (*b*) for the proper collection of duty on all kinds of liquor or drugs. (14) All

rules made under this Act are to be placed before both the Houses of Legislature and are subject to such modifications or repeal as the Legislative Assembly may make.

A provision to station punitive police and to levy collective fines in areas in which the inhabitants connive at the commission of a large number of prohibition offences or fail to render assistance or seek to suppress evidence, etc., based on the recommendation of the Prohibition Enquiry Committee, 1948, was made in the Bill but it was subsequently dropped and not included in the Act.

What Rajaji says about prohibition.

Such is the history of prohibition in our State; and we may close it with a few luminous remarks made by Sri C. Rajagopalachari. This is the gist of what he says: Prohibition is still young and yet what it has done in the social and economic spheres of life is something remarkable. Anyone who goes to the rural areas can see this for himself. It has no doubt some black spots like illicit distillation, but these should be removed by rigorous enforcement and persistent propaganda against drink. There is no cause for alarm. The trouble is, we are by nature prone to exaggerate the crimes and belittle the benefits of prohibition. This mentality is wrong and it should be discarded[1].

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[1] Prohibition Enquiry Committee. State Government's Memorandum and other documents, 1955, pages 237-241.

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